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LEGISLATIVE HISTORY

Public Law 384--77th Congress

Chapter 636--1st Session

H. R. 5726

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DIGEST OF PUBLIC LAW 384

AGRICULTURAL ADJUSTMENT ACT OF 1938 AMENDMENT REGARDING WHEAT FARM MARKETING EXCESS. Limits wheat farm marketing excess, under the A. A. Act of 1938, to the amount by which actual production exceeds normal production, and provides for the return of penalty in cases of such downward adjustments.

INDEX AND SUMMARY OF HISTORY OF H. R. 5726

| | |
|--------------------|-----------------------------------------------------------------------------------------------------------------------------------|
| September 29, 1941 | H. R. 5726 was introduced by Rep. Fulmer and was referred to the House Committee on Agriculture. Print of the bill as introduced. |
| October 2, 1941 | House Committee reported H. R. 5726 without amendments. House Report 1222. Print of the bill as reported. |
| October 6, 1941 | H. R. 5726 was debated and passed House as reported. |
| October 9, 1941 | H. R. 5726 was referred to the Senate Committee on Agriculture and Forestry. Print of the bill as referred. |
| October 21, 1941 | Senate Committee reported H. R. 5726 without amendment. Senate Report 718. Print of the bill as reported. |
| November 10, 1941 | H. R. 5726 was discussed in the Senate. Amendment to H. R. 5726 proposed by Senator Taft. Print of the amendment. |
| December 9, 1941 | H. R. 5726 was discussed and passed Senate with an amendment. |
| December 10, 1941 | House appointed Conferees. |
| December 11, 1941 | Senate appointed Conferees. |
| December 16, 1941 | Senate agreed to the Conference Report. House Rept. 1512. House agreed to the Conference Report. |
| December 26, 1941 | Approved. Public Law 384. |

77TH CONGRESS
1ST SESSION

H. R. 5726

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 29, 1941

Mr. FULMER introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To amend Public Law Numbered 74 of the Seventy-seventh Congress, relating to wheat-marketing quotas under the Agricultural Adjustment Act of 1938, as amended.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 That, effective as of May 26, 1941, Public Law Numbered
4 74, Seventy-seventh Congress, is amended by adding at the
5 end thereof the following new paragraph:

6 “(12) Notwithstanding any of the foregoing provisions,
7 the farm marketing excess for any crop of wheat for any
8 farm shall not be larger than the amount by which the actual
9 production of such crop of wheat on the farm exceeds the
10 normal production of the farm wheat-acreage allotment, if

1 the producer establishes such actual production to the satis-
2 faction of the Secretary. Where a downward adjustment in
3 the amount of the farm marketing excess is made pursuant to
4 the provisions of this paragraph, the difference between the
5 amount of the penalty or storage as computed upon the farm
6 marketing excess before such adjustment and as computed
7 upon the adjusted farm marketing excess shall be returned
8 to or allowed the producer.”

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To amend Public Law Numbered 74 of the Seventy-seventh Congress, relating to wheat-marketing quotas under the Agricultural Adjustment Act of 1938, as amended.

By Mr. FULMER

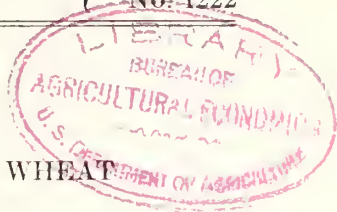
SEPTEMBER 29, 1941

Referred to the Committee on Agriculture

77TH CONGRESS }
1st Session }

HOUSE OF REPRESENTATIVES }

REPORT
No. 1222



FARM-MARKETING QUOTA FOR WHEAT

OCTOBER 2, 1941.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed

Mr. FULMER, from the Committee on Agriculture, submitted the following

REPORT

[To accompany H. R. 5726]

The Committee on Agriculture, to whom was referred the bill (H. R. 5726) to amend Public Law No. 74 of the Seventy-seventh Congress, relating to wheat-marketing quotas under the Agricultural Adjustment Act of 1938, as amended, having considered the same, report thereon with a recommendation that it do pass.

STATEMENT

The proposed amendment would have the effect of modifying the farm-marketing quota for wheat for the 1941 and subsequent crops for farms that harvest less than a normal crop. At the present time a farmer who sustains a partial crop failure and produces less than the normal production of the farm-acreage allotment may nevertheless be subject to penalties on the actual production of the acreage planted to wheat on the farm in excess of the farm-acreage allotment for wheat. The proposed amendment would change this rule so that the penalties will apply only to that amount of wheat produced on the farm in excess of the normal production of the farm-acreage allotment in the event the actual yield per acre of wheat on the farm is less than the normal yield per acre. The existing provisions of law applicable to farms on which an actual yield per acre equal to or in excess of the normal yield is obtained are unchanged by the proposed amendment.

The amendment does not affect farm-marketing quotas for corn.

CHANGES IN EXISTING LAW

In compliance with paragraph 2a of rule XIII, of the Rules of the House of Representatives, changes made by the bill are shown as follows (existing law proposed to be omitted is enclosed in black

brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

[PUBLIC LAW 74—77TH CONGRESS]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the provisions of the Agricultural Adjustment Act of 1938, as amended (hereinafter referred to as the Act)—

(1) The farm marketing quota under the Act for any crop of wheat shall be the actual production of the acreage planted to wheat on the farm, less the normal production or the actual production, whichever is the smaller, of that acreage planted to wheat on the farm which is in excess of the farm acreage allotment for wheat. The farm marketing quota under the Act for any crop of corn shall be the actual production of the acreage planted to corn on the farm, less the normal production or the actual production, whichever is the smaller, of that acreage planted to corn on the farm which is in excess of the farm acreage allotment for corn.

The normal production, or the actual production, whichever is the smaller, of such excess acreage is hereinafter called the "farm marketing excess" of corn or wheat, as the case may be. For the purposes of this resolution, "actual production" of any number of acres of corn or wheat on a farm means the actual average yield of corn or wheat, as the case may be, for the farm times such number of acres.

(2) During any marketing year for which quotas are in effect, the producer shall be subject to a penalty on the farm marketing excess of corn and wheat. The rate of the penalty shall be 50 per centum of the basic rate of the loan on the commodity for cooperators for such marketing year under section 302 of the Act and this resolution.

(3) The farm marketing excess for corn and wheat shall be regarded as available for marketing, and the penalty and the storage amount or amounts to be delivered to the Secretary of the commodity shall be computed upon the normal production of the excess acreage. Where, upon the application of the producer for an adjustment of penalty or of storage, it is shown to the satisfaction of the Secretary that the actual production of the excess acreage is less than the normal production thereof, the difference between the amount of the penalty or storage as computed upon the basis of normal production and as computed upon the basis of actual production shall be returned to or allowed the producer. The Secretary shall issue regulations under which the farm marketing excess of the commodity for the farm may be stored or delivered to him. Upon failure to store or deliver to the Secretary the farm marketing excess within such time as may be determined under regulations prescribed by the Secretary, the penalty computed as aforesaid shall be paid by the producer. Any corn or wheat delivered to the Secretary hereunder shall become the property of the United States and shall be disposed of by the Secretary for relief purposes in the United States or in foreign countries or in such other manner as he shall determine will divert it from the normal channels of trade and commerce.

(4) Until the producers on any farm store deliver to the Secretary, or pay the penalty on, the farm marketing excess of any crop of corn or wheat, the entire crop of corn or wheat, as the case may be, produced on the farm shall be subject to a lien in favor of the United States for the amount of the penalty.

(5) The penalty upon corn or wheat stored shall be paid by the producer at the time, and to the extent, of any depletion in the amount of the commodity so stored, except depletion resulting from some cause beyond the control of the producer.

(6) Whenever the planted acreage of the then current crop of corn or wheat on any farm is less than the farm acreage allotment for such commodity, the total amount of the commodity from any previous crops required to be stored in order to postpone or avoid payment of penalty shall be reduced by that amount which is equal to the normal production of the number of acres by which the farm acreage allotment exceeds the planted acreage. The provisions of section 326 (b) and (c) of the Act shall be applicable also to wheat.

(7) A farm marketing quota on corn or wheat shall not be applicable to any farm on which the acreage planted to the commodity is not in excess of fifteen acres. The marketing penalty on corn or wheat shall not be applicable to any farm which, under the terms of the then current agricultural conservation program formulated under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, is classified as a nonallotment farm if the acreage of the commodity

harvested on such nonallotment farm is not in excess of fifteen acres or the acreage allotment for the farm, whichever is larger. If the acreage of the commodity harvested on any such nonallotment farm is in excess of fifteen acres and in excess of such acreage allotment, the normal production or the actual production, whichever is the smaller, of the acreage harvested in excess of fifteen acres or such acreage allotment, whichever is larger, shall be taken as the farm marketing excess and shall be subject to penalty: *Provided*, That there shall be no penalty on wheat harvested on any such nonallotment farm from which no wheat is sold if the acreage of wheat harvested on such farm does not exceed such acreage per family living thereon as may be used for home consumption without reducing the payment with respect to the farm under the then current agricultural conservation program: *Provided further*, That for the marketing year beginning in 1941, there shall be no marketing penalty on wheat with respect to any such nonallotment farm if the acreage of wheat harvested on the farm is not in excess of the usual acreage determined for the farm under the 1941 agricultural conservation program and the county committee determines, in accordance with regulations of the Secretary, that there will not be marketed an amount of wheat in excess of the 1941 farm marketing quota.

(8) Until the farm marketing excess of corn or wheat, as the case may be, is stored or delivered to the Secretary or the penalty thereon is paid, each bushel of the commodity produced on the farm which is sold by the producer to any person within the United States shall be subject to the penalty as specified in paragraph (2) of this resolution. Such penalty shall be paid by the buyer, who may deduct an amount equivalent to the penalty from the price paid to the producer.

(9) The marketing penalty for cotton and rice produced in the calendar year in which any marketing year begins (if beginning with or after the 1941-1942 marketing year) shall be at a rate equal to 50 per centum of the basic rate of the loan for cooperators for such marketing year under section 302 of the Act and this resolution.

(10) The Commodity Credit Corporation is directed to make available upon the 1941 crop of the commodities cotton, corn, wheat, rice, or tobacco, for which producers have not disapproved marketing quotas for the marketing year beginning in 1941, loans as follows:

(a) To cooperators (except cooperators outside the commercial corn-producing area, in the case of corn) at the rate of 85 per centum of the parity price for the commodity as of the beginning of the marketing year;

(b) To cooperators outside the commercial corn-producing area, in the case of corn, at the rate of 75 per centum of the rate specified in (a) above;

(c) To noncooperators (except noncooperators outside the commercial corn-producing area, in the case of corn) at the rate of 60 per centum of the rate specified in (a) above and only on so much of the commodity as would be subject to penalty if marketed.

(11) The provisions of this resolution are amendatory of and supplementary to the Act, and all provisions of law applicable in respect of marketing quotas and loans under such Act as so amended and supplemented shall be applicable, but nothing in this resolution shall be construed to amend or repeal section 301 (b) (6), 323 (b), or 335 (d) of the Act.

(12) *Notwithstanding any of the foregoing provisions, the farm marketing excess for any crop of wheat for any farm shall not be larger than the amount by which the actual production of such crop of wheat on the farm exceeds the normal production of the farm wheat-acreage allotment, if the producer establishes such actual production to the satisfaction of the Secretary. Where a downward adjustment in the amount of the farm marketing excess is made pursuant to the provisions of this paragraph, the difference between the amount of the penalty or storage as computed upon the farm marketing excess before such adjustment and as computed upon the adjusted farm marketing excess shall be returned to or allowed the producer.*



H. R. 5726

[Report No. 1222]

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 29, 1941

Mr. FULMER introduced the following bill; which was referred to the Committee on Agriculture

OCTOBER 2, 1941

Committed to the Committee of the Whole House on the state of the Union and ordered to be printed

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77TH CONGRESS
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H. R. 5726

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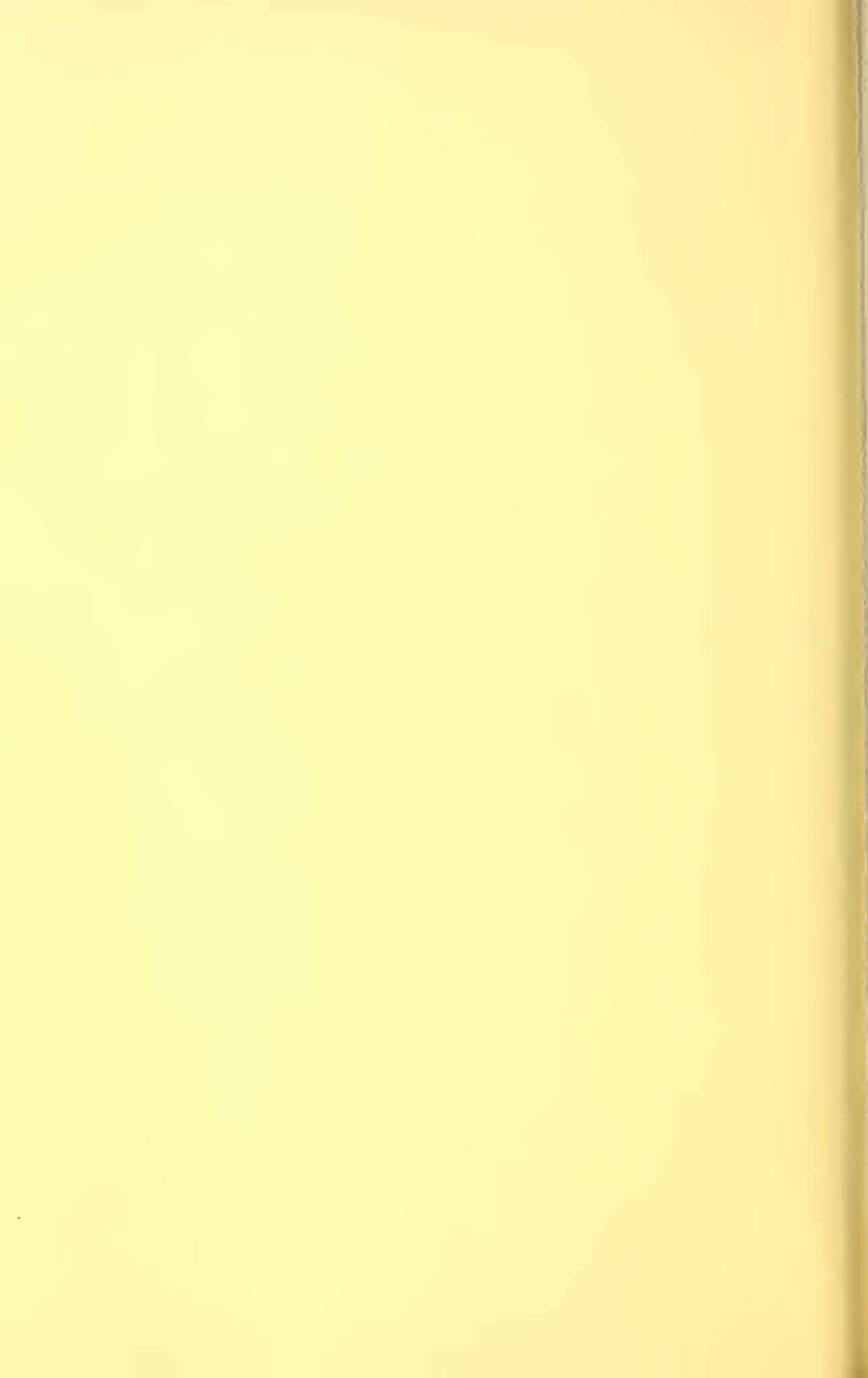
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depending upon the district in which the particular land in said park on which the offense shall have taken place is located; and the United States district courts in the aforementioned districts shall jointly prescribe the rules of procedure and practice for said commissioner in the trial of cases and for appeal to said United States district courts.

SEC. 6. That the park commissioner provided for in this act shall also have power to issue process as hereinbefore provided for the arrest of any person charged with the commission within said park of any criminal offense not covered by the provisions of section 3 of this act, to hear the evidence introduced, and, if he is of the opinion that probable cause is shown for holding the person so charged for trial, shall commit such person for further appropriate action, and certify a transcript of the record of his proceedings, and the testimony in such case, to the particular district court, which court shall have jurisdiction of the case: *Provided*, That the said commissioner may grant bail in all cases according to the laws of the United States.

SEC. 7. That the park commissioner provided for in this act shall be paid an annual salary, as appropriated for by Congress.

SEC. 8. That all fees, costs, and expenses arising in cases under this act and properly chargeable to the United States shall be certified, approved, and paid as are like fees, costs, and expenses in the courts of the United States.

SEC. 9. That all fees, fines, and costs and expenses imposed and collected shall be deposited by the commissioner, or by the marshal of the United States collecting the same, with the clerk of the respective United States district courts for either the western district of North Carolina or the eastern district of Tennessee, depending upon the district in which the offense for which collection is made shall have taken place.

SEC. 10. That the Secretary of the Interior shall notify in writing the Governors of the States of North Carolina and Tennessee of the passage and approval of this act, and of the fact that the United States assumes police jurisdiction over said park as specified in said acts of the States of North Carolina and Tennessee.

With the following committee amendments:

Strike out the last sentence of section 1 and insert in lieu thereof the following: "Nothing in this section shall be construed as a consent by the United States to the taxation by the States of such sales for the exclusive use of the United States."

Add the following at the end of section 2: "All fugitives from justice taking refuge in said park shall be subject to the same laws as refugees from justice found in either the State of North Carolina or Tennessee."

Add the following at the end of section 10: "Upon the acceptance by the Secretary of the Interior of further cessions of jurisdiction over lands now or hereafter included in the Great Smoky Mountains National Park, the provisions of sections 2 to 9, inclusive, shall apply to such lands."

The committee amendments were agreed to.

MR. JENNINGS. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JENNINGS: On page 5, in section 5, strike out the words "That upon the recommendation and approval of the Secretary of the Interior of a qualified candidate."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REIMBURSING CITY OF McMinnville, OREG.

MR. GORE. Mr. Speaker, I ask unanimous consent to return to consideration of Calendar 261, H. R. 4791, to reimburse the city of McMinnville, Oreg., for damages assessed to it by the United States for innocent trespass upon land belonging to the United States.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk reported the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$1,395 to reimburse the city of McMinnville, Oreg., for damages paid to the United States by the city of McMinnville, Oreg., for innocent trespass upon land belonging to the United States.

With the following committee amendments:

Page 1, line 4, strike out "any money in the Treasury not otherwise appropriated" and insert "the Oregon and California Land-grant Fund."

At the end of the bill, strike out the period, insert a colon and the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SAFETY OF WAGE EARNERS IN THE DISTRICT OF COLUMBIA

MR. RANDOLPH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 5202) to create an industrial accident prevention board; to foster, promote and develop the safety of wage earners in the District of Columbia; to define its powers and duties; and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The SPEAKER. The Clerk will report the title of the bill and the Senate amendment.

The Clerk reported the title of the bill. The Clerk read as follows:

Senate amendment: Strike out all after the enacting clause and insert "That an act entitled 'An act to protect the lives and health and morals of women and minor workers in the District of Columbia, and to establish a Minimum Wage Board and define its powers and duties, and to provide for the fixing of minimum wages for such workers, and for other purposes,' approved September 19, 1918, is hereby amended as follows:

"The name of the 'Minimum Wage Board' created by said act is hereby changed to 'Minimum Wage and Industrial Safety Board.'

"Sec. 2. Sections 1 to 23, inclusive, of said act are hereby designated 'Title I—Minimum wages.'

"Sec. 3. Immediately after section 23 of said act the following is added:

"TITLE II—INDUSTRIAL SAFETY

"Sec. 1. The purpose of this title is to foster, promote, and develop the safety of wage earners of the District of Columbia in relation to their working conditions.

"Sec. 2. When used in this title the following words shall have the following meanings, unless the context clearly requires otherwise:

"(a) 'Employer' includes every person, firm, corporation, partnership, stock association, agent, manager, representative, or foreman, or other persons having control or custody of any industrial employment, place of employment, or of any employee. It shall not include the District of Columbia or any instrumentality thereof, or the United States or any instrumentality thereof.

"(b) 'Board' means the Minimum Wage and Industrial Safety Board.

"(c) 'Safe' and 'safety' as applied to an employment, a device, or a place of employment, including facilities of sanitation and hygiene, mean such freedom from danger to life or health of employees as circumstances reasonably permit, and shall not be given restrictive interpretation so as to exclude any mitigation or prevention of a specific danger.

"(d) 'Place of employment' means any place where industrial employment is carried on: *Provided, however*, That such term shall not include the premises of any Federal or District of Columbia establishment, except to include any and all work of whatever nature being performed by an independent contractor for the United States Government or any instrumentality thereof or the District of Columbia or any instrumentality thereof.

"Sec. 3. The Board, in addition to its duties defined in title I shall administer the provisions of this title and shall have power to make such inspections and investigations as it may deem necessary; collect and compile statistical information; require employers to keep their places of employment reasonably safe; require employers to keep such records as it may deem advisable and to furnish the Board with complete, detailed reports relative to all accidents; determine and fix reasonable standards of safety in employment, places of employment, in the use of devices and safeguards, and in the use of practices, means, methods, operations, and processes of employment; promulgate general rules and regulations based upon such standards and fix the minimum safety requirements which shall be complied with by employers within the purview of this title.

"Sec. 4. Before any rules or regulations of the Board shall become effective a public hearing shall be held by the Board for the purpose of investigating reasonable standards of safety in employment, places of employment, in the use of devices and safeguards, and in the use of practices, means, methods, operations, and processes of employment, and any person interested in the matter being investigated may appear and testify. If, after investigation, the Board is of the opinion that minimum standards of safety requirements are necessary to protect or safeguard the lives or health of employees covered by this title, it may adopt and promulgate such rules and regulations as it may deem advisable, which shall become effective 30 days after they have been published at least once in two of the daily newspapers of general circulation in the District of Columbia.

"Sec. 5. Any member of the Board shall have power to administer oaths and the Board may require by subpoena the attendance and testimony of witnesses, the production of all books, registers, and other

evidence relative to any matters under investigation, at any public hearing, or at any session or any conference held by the Board. In case of disobedience to a subpoena, the Board may invoke the aid of the District Court of the United States for the District of Columbia in requiring the attendance and testimony of witnesses and the production of documentary evidence. In the case of contumacy or refusal to obey a subpoena, the court may issue an order requiring appearance before the Board, the production of documentary evidence and the giving of evidence touching the matter in question, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

"Sec. 6. The Board may, upon written application of any employer affected by such rule or regulation, permit variations from any provisions thereof if it shall find that the application of such provision would result in unnecessary hardship or practical difficulty: *Provided, however,* That the Board shall keep a properly indexed record of all variations permitted from any rule or regulation which shall be open to public inspection.

"Sec. 7. The Board is hereby authorized to employ a Director of Industrial Safety, who shall not be a member of the Board and whose compensation shall be fixed, in accordance with the Classification Act of 1923, as amended. The Director shall perform such duties as may be prescribed by the Board in administering the provisions of this title.

"Sec. 8. (a) Every employer shall furnish a place of employment which shall be reasonably safe for employees, shall furnish and use safety devices and safeguards, and shall adopt and use practices, means, methods, operations, and processes which are reasonably safe and adequate to render such employment and place of employment reasonably safe.

"(b) Every employer shall furnish to the Board any information which the Board is authorized to require and shall make true and specific answers to all questions.

"(c) Every employer shall submit to the Board within 10 days from the date of any injury or death, or from the date that the employer has knowledge of any disease or infection resulting from any injury, a duplicate copy of the report provided for in section 30 of the act of March 4, 1927 (44 Stat. 1439; U. S. C., title 33, sec. 930), as made applicable to the District of Columbia by the act of May 17, 1928 (45 Stat. 600).

"(d) Every employer shall keep an accurate record of every person employed by him so as to be able in case of accident immediately to give an accurate record relative to same.

"Sec. 9. (a) The Board, or any officer or employee acting under its authority, shall have the authority, at any reasonable time, to enter any place where an employment covered by this title is being carried on, and to examine any structure, tool, appliance, machinery, or process used in or connected with such employment. No employer or other persons shall refuse to admit any member of the Board or its authorized representative to any such place or to permit any such examination.

"Sec. 10. The Commissioners of the District of Columbia shall furnish the Board with such office space, furniture and equipment, stationery, books, books of reference, and other supplies as are necessary for the discharge of its duties under this title.

"Sec. 11. The Board shall annually, on or before the 1st day of July, file with the Commissioners of the District of Columbia a report covering its activities under this title.

"Sec. 12. Whoever violates any of the provisions of this title, or any rules or regulations promulgated hereunder, shall be deemed guilty of a misdemeanor; and, upon conviction thereof, shall be punished by a fine of not more than \$300, or by imprisonment of not exceeding 90 days. Prosecutions for vio-

lations of this title shall be in the name of the District of Columbia on information filed in the Police Court of the District of Columbia by the corporation counsel or one of his assistants.

"Sec. 13. There is hereby authorized to be appropriated, out of the revenues for the District of Columbia, a sum not to exceed \$15,000 per annum, or so much thereof as may be necessary, for the proper administration of this title.

"Sec. 14. If any provision of this title, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this title, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby."

"Sec. 4. This act shall become effective upon its approval by the President.

"Amend the title so as to read: 'An act to amend an act entitled "An act to protect the lives and health and morals of women and minor workers in the District of Columbia, and to establish a Minimum Wage Board, and define its powers and duties, and to provide for the fixing of minimum wages for such workers, and for other purposes," approved September 19, 1928.'"

THE SPEAKER. Is there objection to the request of the gentleman from West Virginia?

MR. MICHENER. Mr. Speaker, I reserve the right to object. Will the gentleman explain what this is?

MR. RANDOLPH. Mr. Speaker, in reply to the inquiry of the gentleman from Michigan and for the membership generally, on July 14 last the House District Committee brought before this body H. R. 5202, to take care of increasing industrial accidents that are occurring in the District of Columbia. That bill passed the House and went to the Senate, that body changing the jurisdiction of the accident-prevention work from a new board, as the House bill had provided, to the duties and responsibility being placed in the present Minimum Wage Board by making it the Minimum Wage and Industrial Safety Board.

The District Committee has taken the matter under advisement, and we are ready to concur in the Senate amendment. We consider the legislation most necessary at this time. At a hearing before a subcommittee of the District Committee on a similar measure, statistics were presented which showed that industrial accidents in the District of Columbia have increased in appalling numbers. For the year 1939 there were 26,647 non-fatal accidents and 50 fatalities. For the year 1940 there were 31,265 nonfatal accidents and 76 fatalities. I might say at this point that the majority of fatal accidents happened in construction work. It is believed that most of these accidents are due to lack of proper supervision and control and that a great number could be avoided if proper safety measures were taken.

We feel that the passage of the measure is advisable and needed at this time. Protection of wage earners is a responsibility we should readily assume. I believe the Senate amendment is acceptable to all.

MR. MICHENER. Mr. Speaker, I withdraw my reservation of objection.

THE SPEAKER. Without objection, the House amendment will be concurred in.

There was no objection.

FARM MARKETING QUOTA FOR WHEAT

MR. FULMER. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 5726) to amend Public Law No. 74 of the Seventy-seventh Congress, relating to wheat-marketing quotas under the Agricultural Adjustment Act of 1938, as amended, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That, effective as of May 26, 1941, Public Law No. 74, Seventy-seventh Congress, is amended by adding at the end thereof the following new paragraph:

"(12) Notwithstanding any of the foregoing provisions, the farm-marketing excess for any crop of wheat for any farm shall not be larger than the amount by which the actual production of such crop of wheat on the farm exceeds the normal production of the farm wheat-acreage allotment, if the producer establishes such actual production to the satisfaction of the Secretary. Where a downward adjustment in the amount of the farm-marketing excess is made pursuant to the provisions of this paragraph, the difference between the amount of the penalty or storage as computed upon the farm-marketing excess before such adjustment and as computed upon the adjusted farm-marketing excess shall be returned to or allowed the producer."

THE SPEAKER. Is a second demanded?

MR. HOPE. Mr. Speaker, I demand a second.

MR. FULMER. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

THE SPEAKER. Is there objection?

There was no objection.

THE SPEAKER. The gentleman from South Carolina is entitled to 20 minutes and the gentleman from Kansas to 20 minutes.

MR. FULMER. Mr. Speaker, this bill is identical with the bill we passed some time ago, H. R. 5300. You remember that H. R. 5300 was passed by the House and went to the Senate and several very controversial amendments were placed thereon. The bill came back to the House and those amendments were accepted by the House and the bill was vetoed by the President. The bill under consideration today takes care of a great many farmers who have failed to produce a normal crop. Under the present act noncompliers, although they fail to produce a normal crop, would have to pay a penalty of 49 cents per bushel. Under this bill, if the noncomplier produces only the quota or less than the quota allotted him, he does not have to pay the penalty. I believe that we will not have any trouble in passing this bill in the Senate and I am sure that it will be signed by the President. It is endorsed by the Department and will be helpful to a number of farmers who have failed to produce a normal crop.

MR. O'CONNOR. Mr. Speaker, will the gentleman yield?

MR. FULMER. I yield.

MR. O'CONNOR. As I understand, under the present law, regardless of how short the crop is, if you have planted acreage in excess of your quota you still would have to pay the penalty of 49 cents a bushel upon your wheat?

MR. FULMER. On the excess wheat that is grown on the excess acreage, over and above what would have been

allotted to you had you been under the program.

Mr. O'CONNOR. Exactly. Now, if we pass this bill, as I understand, just as the gentleman has stated, the farmer instance would not be required to pay the 49-cent penalty?

Mr. FULMER. The gentleman is correct.

Mr. O'CONNOR. And that is the purpose of this bill?

Mr. FULMER. That is right.

Mr. O'CONNOR. I think it is a very good bill.

Mr. MCGREGOR. Mr. Speaker, will the gentleman yield?

Mr. FULMER. I yield.

Mr. MCGREGOR. This just takes care of one group of farmers?

Mr. FULMER. That is right.

Mr. MCGREGOR. Does the gentleman think it is fair to the areas where we are not troubled with floods or fire to take care of one group and not take care of ours? In other words, we have a bill before your committee which will allow the feeding of excess wheat, but that bill has not come out, and that is the reason we feel that bill should come out, because that takes care of all farmers.

Mr. FULMER. I will state to the gentleman that one of the amendments that was placed on the other bill was to permit farmers to feed their excess wheat, but it was vetoed by the President. I am trying to be helpful to a great many farmers who have produced a short crop, who under the present act would have to pay a penalty, regardless of the amount produced. This is a question that we hope to pass upon and relieve those people and then take up the other matters as they come before the Congress.

Mr. MCGREGOR. The gentleman would not accept an amendment to this particular bill, would he?

Mr. FULMER. No; because the President would veto the bill with such an amendment, and those farmers with short crops would still be on the outside looking in.

Mr. McLAUGHLIN. Mr. Speaker, will the gentleman yield?

Mr. FULMER. I yield.

Mr. McLAUGHLIN. In certain wheat-raising areas there has been a distinct diminution of crop because of winter kill and unusual conditions. This would take care of those farmers who have suffered in that way?

Mr. FULMER. This would take care of that situation.

Mr. CURTIS. Mr. Speaker, will the gentleman yield?

Mr. FULMER. I yield.

Mr. CURTIS. What will this bill do for the individual who has already paid his money in cash?

Mr. FULMER. He would be able to get his money back.

Mr. CURTIS. Does this bill prescribe a method for him to get that, or will he be paid back easily?

Mr. FULMER. Oh, I think that would be done rather easily. That would be up to the department, under the rules and regulations that they would write to take care of same.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The gentleman from Kansas [Mr. HOPE] is recognized.

Mr. HOPE. Mr. Speaker, I yield 5 minutes to the gentleman from Kansas [Mr. REES].

Mr. REES of Kansas. Mr. Speaker, this measure ought to be adopted. It should have been passed a long time ago. There is no real common sense in trying to control the quantity of wheat or other grain on an acreage basis. It should be computed on the normal-yield basis. This legislation will do a lot of good. It will relieve the farmer who has a low yield or whose crops have been destroyed by floods or other elements. I am sure no one will object to this measure.

But, Mr. Speaker, I do object to the manner in which this legislation is brought to the floor of the House. It comes under a suspended rule that does not permit a Member of Congress to offer amendments of any kind. Such methods are undemocratic. Mr. Speaker, we ought to go further in the correction of the injustices that have come about under this program. I am not here to destroy the program at all, but, Mr. Speaker, it just is not right to penalize a farmer 49 cents a bushel on wheat that he feeds to his own livestock and poultry. The unfortunate thing about it is that we do not seem to be able to get the Department of Agriculture to go along with us on the question, and members of the Agricultural Committee tell us it will not do to recommend such a proposal because the Department does not favor it. Tell me, if you will, is the Department of Agriculture or Congress responsible for this legislation? I appreciate the advice we receive from the various departments and bureaus, but I do not want any department to get to the place where it shall appear to dominate a committee on questions of this kind. Why not submit the question to the Congress, and if Congress does not want to let the farmers feed their own wheat to their livestock and poultry without a penalty of 49 cents per bushel, well and good, but let us check it up to Congress and not to the Department.

Mr. Speaker, the whole situation is becoming more lopsided. On the one hand, the Secretary of Agriculture has told us we must produce more food for ourselves and for England and her allies, and that we must produce more chickens, more eggs, and more meat; but the same Department tells the farmer he cannot feed his excess wheat to his poultry or livestock in order to produce such food without paying the 49-cent penalty. The First Lady of the Land said the other day she wanted folks to have more gardens and raise more food to help out in the emergency. But not so in the case of excess wheat.

It appears now the new corn crop will be of sufficient yield to provide for a quota election. I am informed the Secretary of Agriculture has suggested that, although it may be 10 percent above that amount, in view of the emergency no election will be called. Why not have an "emergency" on wheat fed to a farmer's livestock and chickens?

Mr. Speaker, I do not think it quite fair to put a 49-cent-a-bushel penalty

on this year's excess wheat crop after it was planted and almost ready for harvest. If they want it for the next year, that is a different story. It is being told in some sources that if the 49-cent penalty clause is repealed we cannot have a loan of 98 cents per bushel. This is incorrect. Nobody wants to repeal the 93-cent loan, as far as I know.

Just a day or two ago I tried to find out how much money has been paid by the farmers of this country in penalties on excess wheat. The Department of Agriculture advised they could not tell me. They would not even estimate it. I am informed the amount collected in my own State alone is more than a million dollars. I am sure it must have run into several millions for the entire country by this time. They did offer one suggestion—that most of this money is in escrow. If such is the case, then why not let Congress decide if it still wants to charge these farmers a 49-cent penalty on this year's crop? If not, the money can be returned to them. If so, it can be paid into the Treasury; but I say, let Congress pass on it.

Mr. Speaker, the Secretary of the Treasury complicated the situation a few days ago by advising that we permit Canadian wheat to come into this country without quota. That being the case, we can import wheat with a tariff of only 42 cents per bushel but penalize our own farmers 49 cents per bushel.

Mr. Speaker sometime ago our attention was called to the huge amount of surplus butter and dairy products we had on hand, and yet only recently some officials in high places have advocated the repeal of the tax on oleomargarine and have recommended its use as food in place of butter. I hardly think such action on the part of these individuals can be in the interest of the American farmer.

Mr. Speaker, one thing more. I am informed that within the last 2 weeks more than a million dozen dried eggs from Argentina were shipped to New York. Why not use some of this "excess" feed we talk so much about and produce our own eggs?

Mr. Speaker, of course, we all want to be "good neighbors," but I am sure we do not want to penalize the American farmers in order to do it.

[Here the gavel fell.]

Mr. FULMER. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon [Mr. PIERCE].

Mr. PIERCE. Mr. Speaker, this bill ought to pass. It does affect and does help those who, owing to no fault of their own, have had a poor crop. Bushelage, instead of the theoretical amount that a piece of land will raise, is what will govern.

As for attempting to change the basic law and reducing the 49-cent penalty, it is simply wrong to do so. We in the Agricultural Committee deliberately raised the price of wheat in the United States when we changed the loan value from 56 percent to 85 percent of parity. It advanced the price of wheat in the United States 34 cents a bushel.

Mr. REES of Kansas. Mr. Speaker, will the gentleman yield?

Mr. PIERCE. No; not now.

We should help the farmer who has been cooperating, but not the man who has not complied with the law. The committee, with full information before it, provided that the 34-cent rise in the price of wheat, which had resulted from raising the amount of the loan from 56 percent to 85 percent of parity, belonged to the man who had been a part of the program; and therefore we raised the penalty from 15 cents a bushel to 49 cents. No man who has been complying, who has been playing the game, who has been trying to help the agricultural program has a word of complaint. It all comes from the noncooperators, the men who are not a part of the program, the men who said, "I will sow what I want to sow and will harvest it; I will get away with it somehow." Those men have been long enjoying a good price by reason of the sacrifice made by friends and neighbors.

I ask the Members of this House to vote for this bill. If it proves desirable to take up the question of the 49-cent penalty, let us do it sometime when we can give it full consideration.

[Here the gavel fell.]

Mr. FULMER. Mr. Speaker, I yield 2 minutes to the gentleman from Montana [Mr. O'CONNOR].

Mr. O'CONNOR. Mr. Speaker, at the time the bill was before the House imposing 49 cents a bushel penalty on excess wheat, I introduced an amendment to exempt the 1941 crop from the increase and the penalty. We had very good support from several Members from the West but not enough.

Mr. CASE of South Dakota. Mr. Speaker, will the gentleman yield?

Mr. O'CONNOR. I yield.

Mr. CASE of South Dakota. Had the gentleman's amendment been adopted, all this trouble would have been avoided.

Mr. O'CONNOR. I thank the gentleman. And I will say the gentleman and I prepared the amendment together.

Mr. Speaker, the A. A. A. program has been of great benefit to the farmer. I agree to some extent with what our distinguished friend from Oregon just said upon that subject. This penalty, however, was imposed at a time when the farmers who raised fall wheat and also spring wheat had already planted their crops. They were justified in assuming that the Congress of the United States would not change the rules, so to speak, after the game had started for that would be unfair to those who had planted their crops. The Congress, therefore, should not have levied that increased penalty from 15 cents to 49 cents per bushel. In addition it was retroactive legislation which should not have been enacted.

I am going to vote for this bill. It will help some. It should go further and provide that excess wheat could be used for feed and seeding purposes. It also should provide that the excess wheat be measured on harvested acreage rather than seeded acreage. Owing to the parliamentary situation the bill is coming before us under such circumstances that an amendment cannot be offered, yet I feel, as I said before, that it will help a little.

Mr. PIERCE. Mr. Speaker, will the gentleman yield?

Mr. O'CONNOR. I yield.

Mr. PIERCE. Does the gentleman believe that the chiseler should have had the same consideration as the man who played the game?

Mr. O'CONNOR. I do not like the gentleman's use of the word "chiseler."

Mr. PIERCE. Let us say, then, the man who was not in the program.

Mr. O'CONNOR. Surely the farmers who had planted their fall and spring wheat were justified in assuming that the Congress would not change the percentage after their crops had been planted.

Mr. PIERCE. They were not in the program.

[Here the gavel fell.]

Mr. NICHOLS. Mr. Speaker, will the gentleman yield for a unanimous-consent request?

Mr. FULMER. I yield.

Mr. NICHOLS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. NICHOLS. Mr. Speaker, I further ask unanimous consent to extend my own remarks in the RECORD and to include therein a statement by former Senator Owen on a pending piece of legislation.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. HOPE. Mr. Speaker, I yield 5 minutes to the gentleman from Minnesota [Mr. AUGUST H. ANDRESEN].

Mr. AUGUST H. ANDRESEN. Mr. Speaker, I shall support this bill, but I object strenuously to the procedure of bringing a bill in here under suspension of the rules which precludes any opportunity of offering constructive and necessary amendments to the law.

Mr. GWYNNE. Will the gentleman yield?

Mr. HOPE. I yield to the gentleman from Iowa.

Mr. GWYNNE. Is this bill substantially the same as one which passed the House some time ago?

Mr. AUGUST H. ANDRESEN. This bill is identical with a bill that passed the House some time ago which went over to the Senate and was amended by putting in the freezing amendment in connection with wheat and cotton.

Other gentlemen have spoken about the penalty on excess wheat. I will not discuss that, although I think we should have an opportunity to offer amendments and consider them to either do away with the penalty on wheat that is fed to livestock on the farms or adjust some of the differences that have arisen as a result of the penalty law.

I object to the farmers being called chiselers. If a farmer refuses to be regimented, if a farmer refuses to accept subsidies out of the United States Treasury, if a farmer wants to continue to go along and farm his farm in the American way, then he is called a chiseler. It is un-American, in other words, for a man to refuse to become regimented and bureaucratic from Washington.

Mr. MICHENER. Will the gentleman yield?

Mr. AUGUST H. ANDRESEN. I yield to the gentleman from Michigan.

Mr. MICHENER. The gentleman did not go quite far enough. The gentleman will recall that when this bill was before the House previously, the gentleman from Missouri [Mr. CANNON] said the farmers who did not comply were scabs.

Mr. AUGUST H. ANDRESEN. Let me tell you of a situation that has arisen in connection with this 49-cent penalty program. Our flour mills throughout the interior were doing quite a bit of business with Cuba and some of the South American countries. They have lost all that business to the mills that are milling 75-cents-a-bushel Canadian wheat in bond and shipping it down to Cuba and South America. They have absolutely lost that market to Canadian wheat. When the 49-cent penalty went into operation on excess wheat produced in the United States, what happened? Hundreds and thousands, yes; in fact, over 3,000,000 bushels of wheat came in from Canada, feed wheat, at 42 cents a bushel, with an ad valorem duty of only 4½ cents a bushel, and this is being fed to American livestock. They cannot feed American wheat because there is a penalty of 49 cents a bushel on it. Now, when we are giving away everything to foreign producers and foreigners in other countries at the sacrifice of the American producers, it seems to me it is time for some adjustment to be made by the American Congress.

It is our business to handle these things for American citizens. There was an opportunity in this bill, had we been permitted to offer amendments, to correct some of the evils that now exist, but we are denied that opportunity under this gag rule. I resent this very much as one Member who is interested in the welfare of the American farmer and who wants to see him progress and succeed and have the advantages of our American system.

Mr. HOPE. Mr. Speaker, I yield such time as he may desire to the gentleman from Michigan [Mr. MICHENER].

Mr. MICHENER. Mr. Speaker, as has been stated in the debate, this bill has already passed the House. When it reached the Senate, the Senate added the so-called freezing provisions whereby the Government was prevented from selling or disposing of surplus cotton and wheat now owned by the Government by virtue of the A. A. A. law.

As we all know, that bill was vetoed by the President. The bill now before the House is but a crumb so far as value to the wheat farmer is concerned. It will be helpful, however, in the sections of the country where hailstorms, floods, droughts, fires, and frosts prevented the reaping of wheat crops planted in 1940. In those circumstances, under the present law and a regulation of the Department of Agriculture, farmers are compelled to pay 49 cents a bushel on imaginary wheat that they did not produce or harvest before they can use or otherwise dispose of wheat which they did harvest. This inconsistency obtains because the quota allotment is on acreage basis rather than bushel basis; that is, if the farmer is entitled to grow 17 acres of wheat under the A. A. A. and he plants 20 acres

but because of drought or a hailstorm he only cuts or harvests 15 acres, he is compelled to pay a 49-cent penalty on the wheat the 5 acres is presumed to have produced. This thing is as silly as it is unreasonable, yet such is the law.

This bill will be of no value in the congressional district which I have the honor to represent in Congress, because we had a usual crop of wheat in that district this year. It will be helpful, however, in other sections of the country, and therefore I shall support the bill.

On several occasions since the enactment of the law of May 26, 1941, which requires the 49-cent penalty, I have addressed the House, protesting against the imposition of this unjust penalty. I shall not repeat today. I do, however, express the fervent hope that the Committee on Agriculture will report favorably legislation now pending before the committee, which will permit the farmer to at least feed on his own land or use for seed on his own land the wheat which he has grown on his own land without paying a penalty or tribute in the amount of 49 cents a bushel.

I know of no legislation affecting agriculture that has caused as much discussion and dissension in our section of the country as the imposition of this 49-cent penalty, and, Mr. Speaker, pursuant to the permission given to me, I include herein resolutions of the Michigan Marketing Quota Protest Association, which are as follows:

MICHIGAN MARKETING QUOTA PROTEST ASSOCIATION RESOLUTION ON A. A. A. ADOPTED AT ANN ARBOR OCTOBER 1, 1941

Pledging themselves to the support of organized effort to halt the regimentation of the farmers of the United States, executive leaders and delegates, representing six Michigan counties, adopted the following at a protest meeting October 1, 1941, at the Allenel Hotel, Ann Arbor, Mich.:

"We, the Michigan Marketing Quota Protest Association, following the aims, purposes, and basic principles of this organization, resolve:

"We demand that the inherent constitutional rights of the American farmer be preserved, to wit:

"That the Agricultural Adjustment Administration Act of 1938 violates certain of the rights and leads directly to the further regimentation of the American farmer, and we demand the repeal thereof and of subsequent amendments thereto.

"Especially we condemn the increase of the wheat penalty to 49 cents per bushel placed upon the wheat crop of 1941 6 months after the crop was planted, particularly when the tariff on foreign-grown imported wheat or foreign-grown imported milling wheat is only 42 cents per bushel, and on foreign-grown imported feed wheat only about 5 cents per bushel.

"Furthermore, we condemn any future imposition of any crop penalty on the American farmer.

"We abhor the bureaucratic and alien administration of the A. A. A. program and the autocratic abuses thereof.

"We declare it to be the inherent right of every American farmer to manage, control, and operate his own farm according to his own judgment.

"We believe the blueprinting of the farms of America to be along the same line as that which in the beginning was adopted by Stalin in Russia prior to the reducing of the farms of that country to collective farms and the liquidating of the owners thereof.

"We recommend that a copy of this resolution be sent to the members of the Michigan congressional delegation."

H. S. ATCHINSON,
President.
KENNETH C. WEBER,
Secretary.

Mr. Speaker, I ask unanimous consent to revise and extend my remarks at this point in the Record and to include therein resolutions passed by the Michigan Marketing Quota Protest Association.

The SPEAKER. Is there objection to the request of the gentleman from Michigan [Mr. MICHENER]?

There was no objection.

Mr. HOPE. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. MCGREGOR].

Mr. MCGREGOR. Mr. Speaker, I want to add my voice to the statement made by the previous speaker, the gentleman from Minnesota, and I do not like the manner in which this bill has been brought in. I hope that some time in the near future this great Committee on Agriculture will bring a bill before us in the regular order and let it pass on its merits, so that we may at least endeavor to amend it and the Members will not be governed by the gag rule as we are now when we consider this bill.

Although I am going along with this bill, I feel it is just another type of administration bill to help a certain part of agriculture. They are helping a small group of individuals, and they refuse to let us amend the bill so as to take care of all the farmers of the United States. A few days ago I made a statement on the floor of this House that we were importing 1,500,000 bushels of wheat from Canada and at the same time penalizing our own farmers for growing wheat. I asked my good friends on the Democratic side of the aisle to advise me if that statement was not true. Up to this date none of them has said a word, so I take it for granted we are importing 1,500,000 bushels of wheat from Canada, at the same time penalizing the American farmers 49 cents a bushel for growing excess wheat.

Mr. PIERCE. Will the gentleman yield?

Mr. MCGREGOR. I yield to the gentleman from Oregon although he did not yield to me.

Mr. PIERCE. The Canadian Government has notified the chairman of this committee, the gentleman from South Carolina [Mr. FULMER], that it is not allowing wheat to come into this country under the program for feeding purposes.

Mr. MCGREGOR. I would be very happy to have the gentleman put the statement in the Record, and I will at the same time put in the record of the Agricultural Department which shows the actual number of bushels imported and in direct competition with our American farmers.

Mr. AUGUST H. ANDRESEN. Will the gentleman yield?

Mr. MCGREGOR. I yield to the gentleman from Minnesota.

Mr. AUGUST H. ANDRESEN. The record shows that during the first 7 months of this year nearly 3,750,000 bushels of Canadian wheat came into the United States under a 10-percent ad valorem duty.

Mr. MCGREGOR. That is correct, and 600,375 bushels came into this country last month under the ad valorem duty, and these are your own figures.

Mr. PIERCE. That was in bond, going through this country.

Mr. MCGREGOR. I beg to differ with the distinguished gentleman because I know he would not misrepresent anything, but the Department's own figures show 1,354,211 bushels total import and 600,375 bushels feeding, which is in direct competition with our American farmer.

Mr. HOPE. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. SMITH].

Mr. SMITH of Ohio. Mr. Speaker, I want to join in the sentiment expressed by the gentleman from Minnesota [Mr. ANDRESEN] with reference to the manner in which this bill has been brought before the House.

I refer to the fact that it is not subject to any amendment.

This bill should have been submitted to Congress so as to provide plenty of time for discussion and an opportunity to submit amendments.

I should have offered an amendment striking out the 49-cent wheat penalty.

The country generally as well as the vast majority of farmers realize the injustice that was done in levying this penalty, especially in placing it after the wheat had been planted and was in the process of being harvested.

The 49-cent wheat penalty has produced a great deal of trouble among the farmers. It is now well known that practically none of the farmers who voted for the 49-cent penalty knew what they were doing. It is not true, as the gentleman from Oregon [Mr. PIERCE] says, that only the noncompliers of the A. A. A. program are complaining. I have talked to a number of farmers who voted for the penalty who told me that they did not know they were voting for the 49-cent penalty, and who expressed themselves to me that they regretted the way they voted.

The gentleman from Oregon [Mr. PIERCE] calls those farmers who feel that the 49-cent wheat penalty is unjust, chiselers. The gentleman from Missouri [Mr. CANNON] some time ago termed them scabs.

I think it is unbecoming of Congressmen to resort to this kind of vilification. The last place in America that any such name calling as this should be indulged in is in the Congress of the United States. I have a hard time in always knowing right from wrong. If there is one among us who does not live in a glass house, I would like to know his or her name.

I shall, of course, support this measure. It is just a little relief for some of the wheat farmers from the bureaucratic domination, but even so it will be welcome to those who receive it.

It should be pointed out, however, that it is in some respects unfair to certain wheat farmers. While this bill provides for taking care of those wheat farmers who had a poor yield as a result of weather and climatic conditions, it has the effect also of penalizing in some cases farmers who have used fertilizer and

who worked hard and kept their land in a higher state of cultivation.

But after all it is impossible to amend a thing so basically wrong as the 49-cent wheat penalty without doing an injustice to some.

Mr. PIERCE. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Ohio. I am sorry I cannot yield to the gentleman because he did not yield to anybody else, and I know his position in the matter, anyway.

Mr. HOPE. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri [Mr. BENNETT].

Mr. BENNETT. Mr. Speaker, I am glad to support the pending bill, but I am sorry that it was not brought up in the regular way. It is unfortunate that because of a "gag" rule we are not permitted to offer some much needed amendments to this bill.

Mr. Speaker, I have been surprised to hear certain members of the majority refer to those farmers who believe in the American way and who are opposed to regimentation as "chiselers" and "scabs." Such farmers do not have the privilege of this floor and my chief purpose in asking recognition at this time is to express resentment for the farmers against the use of such language in referring to men who, in my judgment, are among our best citizens.

It was not fair for Santa Claus to change rules in the middle of the game and the farmers of my district are very resentful because of the 49-cent penalty on excess wheat. When they planted wheat in the fall of 1940, they understood that if they exceeded their allotted acreage they would be subject to a 15-cent penalty. When the crop was almost ready to harvest last May, they were notified that the penalty would be 49 cents per bushel. It is claimed that a majority of the farmers voted in favor of the 49-cent penalty but this is disputed. Most of the farmers with whom I have talked and who have written me say that they were not given full particulars at the time of the referendum.

I have made an effort to amend the law so that farmers might feed their excess wheat to their own stock on their own farms without paying the 49-cent penalty. I regret that as a result of the "gag" rule under which this bill is being considered, I am precluded from offering such amendment at this time.

It seems inconsistent to me for the Government to be begging the farmers to increase the yield of pork, poultry, and eggs and refuse them the right to feed their wheat, which, in many instances, is the only feed farmers have, without paying the 49-cent penalty. Farmers have written me saying that, because of their inability to hire help, they knowingly exceeded their acreage allotment on wheat last fall and were willing to pay the 15-cent penalty rather than to try to grow corn when they could not employ farm help and were too old to cultivate corn. Now such farmers find themselves without corn but with plenty of wheat which they cannot afford to feed to an unusually large number of pigs, when additional pork is needed, because of the 49-cent penalty.

Mr. Speaker, I know that there are some good features about the farm program, but I think it is unfortunate that the Government insists upon regimenting the farmers, forcing them to reduce their crops and at the same time permitting the importation of competitive farm products practically duty free.

Mr. Speaker, the farmer appears to be the forgotten man. With more butter in cold storage than ever before, the Government is taxing him along with the rest of us for an advertising program to teach the people to use oleomargarine instead of butter. With millions of bushels of wheat in storage, the Government is collecting 49 cents per bushel from farmers who feed excess wheat to their own stock, while administration leaders advocate importation of wheat to keep the price down. It is my prediction that the farmers will be heard from in 1942.

Mr. HOPE. Mr. Speaker, I yield 1 minute to the gentleman from Kansas [Mr. CARLSON].

Mr. CARLSON. Mr. Speaker, we are faced with a very practical situation today, as I see it. We have before us a bill that passed this House some time ago and was vetoed by the President. As I understand, the Committee on Agriculture and the Department of Agriculture approve the bill, and I trust the President will sign it. It is not a question of what we want, it is a question of what we can get.

This bill will furnish relief to a large number of farmers who have suffered seriously because of short crops through winter killing, flood losses, hail losses, and the depredations of the Hessian fly. I sincerely trust the House will pass this bill this afternoon, and I trust the Senate will pass it without amendment. It is the one thing we should do, and we know it is a thing we can do. There are many here who would like to see other changes, but when we cannot get them, let us get what we can and work it out for the best.

[Here the gavel fell.]

Mr. HOPE. Mr. Speaker, I yield 1 minute to the gentleman from Illinois [Mr. JOHNSON].

Mr. JOHNSON of Illinois. Mr. Speaker, I am for this bill most wholeheartedly, because it takes care of that man who, of all the wheat growers, is hurt worst and in most dire distress today. He is only a man who has not exceeded his total yield beyond the normal yield of his allotted acreage.

I am sure that some of the gentlemen really do not mean some of the attacks upon the integrity of certain of our farmers who did not choose to go along with the program. The program is clear. The A. A. Act in that respect gives every man an opportunity and choice. He has one of two choices, one being to go along with the program and accept the benefits appurtenant thereto, the other being to take his chance on a lower market and forego A. A. A. benefit payments. Either is perfectly honorable under the A. A. A. law, and I do not believe there can be any just criticism of, nor should there be any aspersions cast upon, the character

of the man who did not choose to go along with the program.

[Here the gavel fell.]

Mr. HOPE. Mr. Speaker, I yield 1 minute to the gentleman from South Dakota [Mr. CASE].

Mr. CASE of South Dakota. Mr. Speaker, in addition to the Canadian situation that has been referred to dealing with the increase in the shipments of feed wheat and of milling in bond, I call attention to a remark by the Secretary of the Treasury the other day in which he suggested that all Canadian wheat be admitted on a nonquota basis. If you recall, that means Canadian flour-grade wheat would be subject only to a 42-cent tariff, whereas the domestic farmer who has raised a little in excess of his quota remains subject to a 49-cent marketing penalty.

I took the matter up with an official of the Treasury Department and suggested that I supposed that comment of the Secretary grew out of a desire to increase Canadian dollar exchange for the purpose of paying for war supplies. I was advised that that was not the reason for the statement, that the reason was that the Secretary thought the price of wheat in this country was going too high, and the purpose of admitting Canadian wheat was to make a hedge against inflation.

Imagine that if you can—opening the gate to Canadian wheat to break the price while we legislate to raise the commodity-loan values to sustain prices and penalize the domestic producer who markets in excess of his quota.

This bill ought to pass and give at least this much of a chance to domestic farmers rather than to Canadian farmers. All it does is to let the man who harvested a short crop market up to his quota without penalty.

[Here the gavel fell.]

Mr. FULMER. Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. RICH] for a unanimous-consent request.

Mr. RICH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD at this point and to include a letter I received from one of my constituents, dealing with the problem of regulation of the farmer.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. RICH. Mr. Speaker, the letter I refer to is as follows:

JERSEY SHORE, PA.,
July 30, 1941.

HON. ROBERT RICH,
Woolrich, Pa.

DEAR SIR: Am writing you concerning this wheat question. When a farmer asks no aid from the Government of any kind, buys his own lime and seed and fertilizer, pays for it out of the money he earns on his farm, pays his local taxes and all the other alphabetical unknown taxes, and doesn't join this Soil Conservation Act, and then out of a clear sky, when his wheat is almost ready to cut, comes a pimp of some kind who doesn't know how to work, is too lazy to work if did know how, and tells you your wheat must be plowed under or be fined 49 cents per bushel, that makes a self-respecting farmer boil clear down to his toes and makes him think of that old Winchester standing behind the door.

Twenty-eight farmers in ——— Township, out of a possible 100, had a right to vote against it. If that is all the farmers, you have to show me.

I do not believe in Government soil conservation. I was practicing it before the Government thought of it.

I really think it is time for the farmers to get together and clean house of such Representatives as that.

We do not, as you know, make any money growing wheat at \$1 per bushel.

I feel that under the Constitution I have a perfect right to grow what I please on my farm. I don't borrow money from land banks, and most of them that do never expect to pay it back. These are some of the things I think. Hoping I haven't bored you with this letter, I am

Yours respectfully,

Mr. FULMER. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is, Will the House suspend the rules and pass the bill?

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended, and the bill was passed.

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. PIERCE asked and was given permission to revise and extend his own remarks in the RECORD.

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein certain excerpts from a speech.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

(Mr. MURDOCK asked and was given permission to revise and extend his own remarks in the RECORD.)

THE PRIVATE CALENDAR

The SPEAKER. The Clerk will call the first bill on the Private Calendar.

RAYMOND J. McMAHON

The Clerk called the first bill on the Private Calendar, H. R. 3731, for the relief of Raymond J. McMahon.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the President of the United States is authorized to appoint Raymond J. McMahon, ensign A-V (N), United States Naval Reserve, to the rank of lieutenant (junior grade), United States Naval Reserve. The President is authorized, immediately upon such appointment taking effect, to place the said Raymond J. McMahon on the retired list of the Navy, with three-fourths of the active-duty pay of his grade as lieutenant (junior grade): *Provided*, That a duly constituted naval retiring board finds that the said Raymond J. McMahon is incapacitated for service by reason of physical disability incurred in line of duty.

With the following committee amendment:

Strike out the period at the end of the bill, insert a colon, and add the following: "*Provided further*, That he elects not to receive the benefits provided under the act of June 23, 1937 (50 Stat. 305), and section 304 of the Naval Reserve Act of 1938 (52 Stat. 1181)."

LXXXVII—484

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ANTHONY O'HARA

The Clerk called the next bill, H. R. 1511, for the relief of Anthony O'Hara.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated to Anthony O'Hara, of Syracuse, N. Y., the sum of \$2,500, in full satisfaction of his claim against the United States for personal injuries received on December 31, 1935, when a quantity of ice, which had negligently been allowed to accumulate, fell from the roof of the old post-office building in Syracuse, N. Y., then occupied by the Works Progress Administration, striking claimant on the head.

SEC. 2. That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendments:

Line 6, strike out the figures "\$2,500" and insert in lieu thereof "\$1,827.25 and Stephen F. Maroney, of Syracuse, N. Y., the sum of \$158."

Line 7, strike out the words "his claim" and insert in lieu thereof "all claims."

Line 12, strike out "claimant on the head" and insert in lieu thereof "claimants."

Amend the title so as to read: "For the relief of Anthony O'Hara and Stephen F. Maroney."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended.

FISIL ROSENBERG AND SOFIE ROSENBERG, AND JENNY AND JACQUES ROSENBERG

The Clerk called the next bill, H. R. 2697, for the relief of Fisil Rosenberg, his wife Sofie, his daughter Jenny, and his son Jacques.

The Clerk read the title of the bill.

Mr. ALLEN of Louisiana and Mr. BECKWORTH objected and, under the rule, the bill was recommitted to the Committee on Immigration and Naturalization.

LADISLAS FRANK

The Clerk called the next bill, H. R. 4584, for the relief of Ladislav Frank.

The Clerk read the title of the bill.

Mr. REES of Kansas. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. That request is not in order in the consideration of the Private Calendar.

Is there objection to the request of the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the immigration and naturalization laws the Attorney General be, and he is hereby, authorized and directed to record the lawful admission for permanent residence to Ladislav Frank as of October 15, 1929, the date on which he was admitted temporarily to the United States, if he is found to be otherwise admissible under the provisions of the immigration laws, other than those relating to quotas. Upon the enactment of this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the Hungarian quota of the first year that the Hungarian quota is available.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

M. L. LEOPOLD ROSENBERG AND HIS WIFE LISA

The Clerk called the next bill, H. R. 2698, for the relief of M. L. Leopold Rosenberg and his wife Lisa.

Mr. REES of Kansas and Mr. HANCOCK objected, and, under the rule, the bill was recommitted to the Committee on Immigration and Naturalization.

TIBOR HOFFMAN AND MAGDA HOFFMAN

The Clerk called the bill (H. R. 3315) for the relief of Tibor Hoffman and Magda Hoffman.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the immigration and naturalization laws Tibor Hoffman and his wife Magda Hoffman shall be held and considered to have been legally admitted to the United States for permanent residence on the date of their entry into the United States. Upon the enactment of this act the Secretary of State is authorized and directed to instruct the proper quota-control officer to deduct two numbers from the nonpreference category of the Hungarian quota.

With the following committee amendments:

Line 4, strike out "Hoffman" and insert "Hoffmann."

Line 5, strike out "Hoffman" and insert "Hoffmann."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

The title was amended so as to read: "A bill for the relief of Tibor Hoffmann and Magda Hoffmann."

ALBERT E. WELLS

The Clerk called the bill (H. R. 1360) granting a pension to Albert E. Wells.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Administrator of Veterans' Affairs be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Albert E. Wells, late of Troop E, Sixth Regiment United States Cavalry, and pay him a pension at the rate of \$60 per month.

The bill was ordered to be engrossed and read a third time, was read the third

time, and passed, and a motion to reconsider laid on the table.

JAMES J. SCANLON

The Clerk called the bill (H. R. 1759) granting an increase of pension to James J. Scanlon.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Administrator of Veterans' Affairs be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James J. Scanlon (claim No. C-2349677), late of Company A, Engineer Corps, California National Guard, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

WILLARD FULK

The Clerk called the bill (H. R. 1932) granting a pension to Willard Fulk.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Administrator of Veterans' Affairs be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Willard Fulk, late of Company M, Tenth Regiment United States Infantry, and pay him a pension at the rate of \$90 per month.

With the following committee amendments:

Line 7, after the word "infantry", insert "and Battery F, Sixty-second Regiment, United States Coast Artillery", and in line 9, strike out "\$90" and insert "\$52.50."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

IMOGEN MORRIS TAYLOR

The Clerk called the bill (H. R. 4301) granting an increase of pension to Imogen Morris Taylor.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Administrator of Veterans' Affairs be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Imogen Morris Taylor, widow of the late David W. Taylor, rear admiral, United States Navy, and pay her a pension at the rate of \$150 per month in lieu of that she is now receiving.

With the following committee amendments:

Line 7, after the word "Taylor", insert the words "late a", and in line 8, strike out "\$150" and insert "\$100."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and a motion to reconsider laid on the table.

JEANNETTE W. MOFFETT

The Clerk called the bill (H. R. 3560) granting an increase of pension to Jeannette W. Moffett.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Administrator of Veterans' Affairs be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jeannette W. Moffett, widow of Rear Admiral William A. Moffett, late of the United States Navy, and pay her a pension at the rate of \$100 per month in lieu of that she is now receiving.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

GRIZELDA HULL HOBSON

The Clerk called the bill (H. R. 3312) granting an increase of pension to Grizelda Hull Hobson.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Administrator of Veterans' Affairs be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Grizelda Hull Hobson, widow of Admiral Richmond Pearson Hobson, late of the United States Navy, and pay her a pension at the rate of \$100 per month in lieu of that she is now receiving.

With the following committee amendment:

Line 6, before the word "Admiral", insert the word "Rear."

The committee amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

PENSIONS TO CERTAIN DEPENDENTS OF VETERANS OF CIVIL WAR

The Clerk called the bill (H. R. 5367) granting pensions and increase of pensions to certain dependents of veterans of the Civil War.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Administrator of Veterans' Affairs be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Venia Moody, widow of Francis M. Moody, late of Company A, Thirteenth Regiment Tennessee Cavalry, and pay her a pension at the rate of \$20 per month and increase the rate to \$30 per month from and after the date she shall have attained the age of 60 years, which fact shall be determined by the submission of satisfactory evidence by the beneficiary to the Veterans' Administration.

The name of Alice Shaw, widow of Edward W. Shaw, late of Company F, One Hundred and First Regiment Ohio Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Bertha M. Knapp, widow of Rufus H. Knapp, late of Company H, Fourth Regiment New Hampshire Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary E. Simmons, widow of William D. Simmons, late of Company D, One Hundred and Fifty-third Regiment Ohio Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Margaret Butler, widow of George W. Butler, late of Company A, Second Battalion, Sixteenth Regiment United States

Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Ruby Ellen Hogg, helpless and dependent daughter of John L. Hogg, late of Company I, One Hundred and Twentieth Regiment Illinois Infantry, and pay her a pension at the rate of \$20 per month.

The name of John W. Arnold, helpless and dependent son of Alexander C. Arnold, late of Company H, Twenty-fourth Regiment Kentucky Infantry, and pay him a pension at the rate of \$20 per month.

The name of Elsie Israel, helpless and dependent daughter of Pleasant R. Israel, late of Company H, One Hundred and Fifty-first Regiment Indiana Infantry, and pay her a pension at the rate of \$20 per month.

The name of Annie A. Riggs, widow of James S. Riggs, late of Company F, Fourteenth Regiment West Virginia Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary Harvey, helpless and dependent daughter of Samuel F. Harvey, late of Company F, One Hundred and Forty-eighth Regiment Ohio Infantry, Company I, One Hundred and Eighty-sixth Regiment Ohio Infantry, and Company E, Thirteenth Regiment United States Infantry, and pay her a pension at the rate of \$20 per month.

The name of Anna Houghtlin, widow of George E. Houghtlin, late of Company C, Thirtieth Regiment Michigan Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Eva A. Kinney, widow of Norman Kinney, late of Company D, Hatch's Independent Battalion, Minnesota Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary Murphy, widow of Dennis Murphy, late of the unassigned, Eighty-first Regiment Pennsylvania Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Hettie Miller, former widow of James Villers, late of Company C, Seventh Regiment West Virginia Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Maria Wren, widow of Frederick R. J. Wren, late of Company D, Sixty-first Regiment New York Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

DR. WILHELM WOLFGANG KRAUSS

The Clerk called the next bill, H. R. 4047, to grant the status of a quota immigrant to Dr. Wilhelm Wolfgang Krauss.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HANCOCK and Mr. REES of Kansas objected, and the bill, under the rule, was recommitted to the Committee on Immigration and Naturalization.

FRANK KASSNER

The Clerk called the next bill, H. R. 666, for the relief of Frank Kassner.

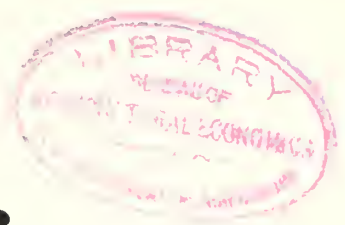
There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Frank Kassner, of Cleveland, Ohio, the sum of \$89.18 in full settlement of all claims against the United States for damages to the automobile owned by Mr. Kassner and driven by him when it was struck by an

Oct. 9

77TH CONGRESS
1ST SESSION

H. R. 5726



IN THE SENATE OF THE UNITED STATES

OCTOBER 9, 1941

Read twice and referred to the Committee on Agriculture and Forestry

AN ACT

To amend Public Law Numbered 74 of the Seventy-seventh Congress, relating to wheat-marketing quotas under the Agricultural Adjustment Act of 1938, as amended.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That, effective as of May 26, 1941, Public Law Numbered
4 74, Seventy-seventh Congress, is amended by adding at the
5 end thereof the following new paragraph:

6 “(12) Notwithstanding any of the foregoing provisions,
7 the farm marketing excess for any crop of wheat for any
8 farm shall not be larger than the amount by which the actual
9 production of such crop of wheat on the farm exceeds the
10 normal production of the farm wheat-acreage allotment, if

1 the producer establishes such actual production to the satis-
2 faction of the Secretary. Where a downward adjustment in
3 the amount of the farm marketing excess is made pursuant to
4 the provisions of this paragraph, the difference between the
5 amount of the penalty or storage as computed upon the farm
6 marketing excess before such adjustment and as computed
7 upon the adjusted farm marketing excess shall be returned
8 to or allowed the producer.”

Passed the House of Representatives October 6, 1941.

Attest:

SOUTH TRIMBLE,

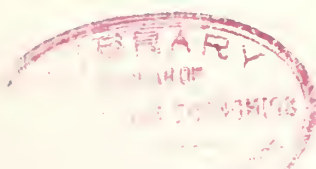
Clerk.

AN ACT

To amend Public Law Numbered 74 of the Seventy-seventh Congress, relating to wheat-marketing quotas under the Agricultural Adjustment Act of 1938, as amended.

OCTOBER 9, 1941

Read twice and referred to the Committee on
Agriculture and Forestry



Calendar No. 750

77TH CONGRESS }
1st Session }

SENATE

{ REPORT
No. 718 }

AMENDING PUBLIC LAW NO. 74, RELATING TO WHEAT-MARKETING QUOTAS UNDER THE AGRICULTURAL ADJUSTMENT ACT OF 1938, AS AMENDED

OCTOBER 21 (legislative day, OCTOBER 16), 1941.—Ordered to be printed

Mr. THOMAS of Oklahoma, from the Committee on Agriculture and Forestry, submitted the following

REPORT

[To accompany H. R. 5726]

The Committee on Agriculture and Forestry, to whom was referred the bill (H. R. 5726) to amend Public Law No. 74 of the Seventy-seventh Congress, relating to wheat-marketing quotas under the Agricultural Adjustment Act of 1938, as amended, having considered the same, report thereon favorably with a recommendation that it do pass without amendment.

H. R. 5726 is intended to relieve certain wheat farmers who have suffered losses through crop failures by allowing them certain marketing privileges which they would not have if the present Public Law No. 74 was strictly enforced. A complete analysis and statement of the bill is contained in House Report No. 1222, which is attached hereto and titled "Exhibit A."

EXHIBIT A

[H. Rept. No. 1222, 77th Cong., 1st sess.]

The Committee on Agriculture, to whom was referred the bill (H. R. 5726) to amend Public Law No. 74 of the Seventy-seventh Congress, relating to wheat-marketing quotas under the Agricultural Adjustment Act of 1938, as amended, having considered the same, report thereon with a recommendation that it do pass.

STATEMENT

The proposed amendment would have the effect of modifying the farm marketing quota for wheat for the 1941 and subsequent crops for farms that harvest less than a normal crop. At the present time a farmer who sustains a partial crop failure and produces less than the normal production of the farm-acreage allotment may nevertheless be subject to penalties on the actual production of the

production of such crop of wheat on the farm exceeds the
10 normal production of the farm wheat-acreage allotment,

77TH CONGRESS
1ST Session

H. R. 5726

[Report No. 718]

AN ACT

To amend Public Law Numbered 74 of the Seventy-seventh Congress, relating to wheat-marketing quotas under the Agricultural Adjustment Act of 1938, as amended.

OCTOBER 9, 1941

Read twice and referred to the Committee on
Agriculture and Forestry

OCTOBER 21 (legislative day, OCTOBER 16), 1941

Reported without amendment

77TH CONGRESS
1ST SESSION

H. R. 5726

IN THE SENATE OF THE UNITED STATES

OCTOBER 21 (legislative day, OCTOBER 16), 1941

Ordered to lie on the table and to be printed

AMENDMENT

Intended to be proposed by Mr. TAFT to the bill (H. R. 5726) to amend Public Law Numbered 74 of the Seventy-seventh Congress, relating to wheat-marketing quotas under the Agricultural Adjustment Act of 1938, as amended, viz: On page 2, after line 8, insert the following new paragraphs:

1 “13. Notwithstanding any of the foregoing provisions,
2 the producer shall, during the marketing year beginning in
3 1941, be subject to a penalty of 15 cents per bushel on the
4 farm-marketing excess of wheat.

5 “14. Notwithstanding any of the foregoing provisions, the
6 penalty upon wheat shall not apply to that portion of the
7 farm-marketing excess for any farm, which the producer
8 established in accordance with the regulations of the Secre-
9 tary, which was or will be used as feed for livestock or
10 poultry for any purpose or for seed or which was or will be

1 consumed by the farmer's family or household. The amount
 2 of any penalty paid on that portion of the farm-marketing
 3 excess of wheat which was or will be used as feed for live-
 4 stock or poultry for any purpose or for seed or which was or
 5 will be consumed by the farmer's family or household shall
 6 be returned or allowed the producer."

74th CONGRESS
 1ST SESSION

H. R. 5726

AMENDMENT

Intended to be proposed by Mr. TAYLOR to the bill
 (H. R. 5726) to amend Public Law Num-
 bered 74 of the Seventy-seventh Congress,
 relating to wheat-marketing quotas under
 the Agricultural Adjustment Act of 1938,
 as amended.

OCTOBER 21 (legislative day, OCTOBER 16), 1941

Ordered to lie on the table and to be printed

"(c) The term 'insured' shall include any person in the military service of the United States as defined in section 101, article I, of this act, whose life is insured under and who is the owner of and has an interest in a policy as above defined.

"(d) The term 'insurer' shall include any firm, corporation, partnership, or association chartered or authorized to engage in the insurance business and to issue a policy as above defined by the laws of a State of the United States or the United States.

"Sec. 401. The benefits and privileges of this article shall apply to any insured upon written application for protection under this article unless the Administrator of Veterans' Affairs in passing upon such application as provided in this article shall find that the policy is not entitled to protection hereunder. The original of such application shall be sent by the insured to the insurer, and a copy thereof to the Veterans' Administration. The total amount of insurance on the life of one insured under policies protected by the provisions of this article shall not exceed \$5,000. If an insured makes application for protection of policies on his life totaling insurance in excess of \$5,000, the Administrator is authorized to have the amount of insurance divided into two or more policies so that the protection of this article may be extended to include policies for a total amount of insurance not to exceed \$5,000, and a policy which affords the best security to the Government shall be given preference.

"Sec. 402. Any writing signed by the insured and identifying the policy and the insurer, and agreeing that his rights under the policy are subject to and modified by the provisions of this article, shall be sufficient as an application for the benefits of this article, but the Veterans' Administration may require the insured and insurer to execute such other forms as may be deemed advisable. Upon receipt of the application of the insured the insurer shall furnish such report to the Veterans' Administration concerning the policy as shall be prescribed by regulations. The insured who has made application for protection under this article and the insurer shall be deemed to have agreed to such modification of the policy as may be required to give this article full force and effect with respect to such policy.

"Sec. 403. The Administrator of Veterans' Affairs shall find whether the policy is entitled to protection under this article and shall notify the insured and the insurer of such finding. Any policy found by the Administrator of Veterans' Affairs to be entitled to protection under this article shall not, subsequent to date of application, and during the period the insured is on active duty with the military or naval forces, but not beyond 1 year after termination of active duty, nor beyond the date specified in section 409 of this article, whichever is the earlier date, lapse or otherwise terminate or be forfeited for the nonpayment of a premium becoming due and payable, or the nonpayment of any indebtedness or interest.

"Sec. 404. No dividend or other monetary benefit under a policy shall be paid to an insured or used to purchase dividend additions while a policy is protected by the provisions of this article except with the consent and approval of the Veterans' Administration. If such consent is not procured, such dividends or benefits shall be added to the value of the policy, to be used as a credit when final settlement is made with the insurer. No cash value, loan value, or withdrawal of dividend accumulation, or unearned premium, or other value of similar character shall be available to the insured while the policy is protected under this article except upon approval by the Veterans' Administration. The insured's right to change a beneficiary designation or select an optional settlement for a beneficiary shall not be affected by the provisions of this article.

"Sec. 405. In the event of maturity of a policy as a death claim or otherwise before the expiration of the period of protection under the provisions of this article, the insurer in making settlement will deduct from the amount of insurance the premiums guaranteed under this article, together with interest thereon at the rate fixed in the policy for policy loans. If no rate of interest is specifically fixed in the policy, the rate shall be the rate fixed for policy loans in other policies issued by the insurer at the time the policy brought under the act was issued. The amount deducted by reason of the protection afforded by this article shall be reported by the insurer to the Administrator of Veterans' Affairs.

"Sec. 406. Payment of premiums and interest thereon at the rate specified in section 405 hereof becoming due on a policy while protected under the provisions of this article is guaranteed by the United States; and if the amount so guaranteed is not paid prior to the expiration of the period of insurance protection under this article, the amount then due shall be treated by the insurer as a policy loan on such policy; but if at the expiration of said period the cash surrender value is less than the amount then due, the policy shall then cease and terminate and the United States shall pay the insurer the difference between such amount and the cash surrender value. The amount paid by the United States to an insurer on account of applications approved under the provisions of this article, as amended, shall become a debt due to the United States by the insured on whose account payment was made and, notwithstanding any other act, such amount may be collected either by deduction from any amount due said insured by the United States or as otherwise authorized by law.

"Sec. 407. The Administrator of Veterans' Affairs is hereby authorized and directed to provide by regulations for such rules of procedure and forms as he may deem advisable in carrying out the provisions of this article. The findings of fact and conclusions of law made by the Administrator of Veterans' Affairs in administering the provisions of this article shall be final, and shall not be subject to review by any other official or agency of the Government. The Administrator of Veterans' Affairs shall report annually to the Congress on the administration of this article.

"Sec. 408. This article as amended shall remain in force until May 15, 1946: *Provided*, That should the United States be then engaged in war this article shall remain in force until war is terminated by a treaty of peace proclaimed by the President and for 6 months thereafter."

Sec. 2. (a) The provisions of such article IV in force prior to the date of enactment of this act (hereinafter in this section called "such provisions") shall remain in full force and effect with respect to all valid applications for protection heretofore executed thereunder and all policies to which such applications pertain shall continue to be entitled to the protection granted thereby.

(b) Any insurer under a policy accepted under such provisions shall, subject to the approval of the Administrator of Veterans' Affairs and upon complete surrender by it to the United States, within 90 days after the date of enactment of this act, of all certificates issued in accordance with such provisions, together with all right to payment thereunder, be entitled to the guaranty of unpaid premiums and interest thereon and the mode of settlement for such policies as provided by the amendment made by this act. The privileges and benefits granted by the foregoing sentence shall be in lieu of the method of settlement, and the requirement for accounts and reports prescribed by such provisions. In the event any such insurer fails to surrender within the said 90 days all such certificates and rights to payment, the accounts, reports, and settlements required to be made by such insurer under such provi-

sions shall continue to be made as required and shall be governed by such provisions.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WHEAT-MARKETING QUOTAS

The bill (H. R. 5726) to amend Public Law No. 74 of the Seventy-seventh Congress, relating to wheat-marketing quotas, under the Agricultural Adjustment Act, 1938, as amended, was announced as next in order.

Mr. TAFT. Mr. President, I offer an amendment.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. McNARY. Mr. President, whether there is objection depends upon the form the bill might take if the amendment were adopted. I think it would be better that the Chair ask if there is objection after the amendment has been stated.

Mr. TAFT. Mr. President, I ask that the amendment be read.

Mr. McNARY. I might not object to the bill without the amendment, but I might object to it if the amendment were adopted.

The PRESIDING OFFICER (Mr. BARKLEY in the chair). Without objection, the amendment offered by the Senator from Ohio will be read for the information of the Senate.

The LEGISLATIVE CLERK. On page 2, after line 8, it is proposed to insert the following:

13. Notwithstanding any of the foregoing provisions, the penalty upon wheat shall not apply to that portion of the farm-marketing excess of the 1941 crop for any farm which was or will be used on the farm where grown as feed for livestock or poultry or as seed. The amount of any penalty paid on that portion of the farm-marketing excess of wheat which was or will be used on the farm where grown as feed for livestock or poultry or as seed shall be returned or allowed the producer.

Mr. THOMAS of Oklahoma. Mr. President, this matter was rather fully considered on a former occasion. Earlier this year the House passed a bill similar to the bill now pending and sent it to the Senate. The Committee on Agriculture and Forestry of the Senate considered the bill, added some amendments to it, reported it to the Senate. The Senate accepted the amendments, passed the bill, and sent it back to the House as amended. The House accepted the amendments and the bill as thus amended by the two Houses went to the President and was vetoed by him. It is my conviction that if this bill were amended it would not be accepted by the House and, even if accepted by the House, it would not be accepted by the Chief Executive. So I think it would be futile to try to amend the bill. The question is, Shall we now give to the wheat farmers the relief the bill provides or shall we simply act so as to defeat any relief whatever? I am willing personally to give this small amount of relief to the wheat growers of the country, because I am convinced that we cannot do more for them at this time.

Mr. TAFT. Mr. President, with all due respect to the distinguished Senator from Oklahoma, the question is not so much that as it is whether we shall relieve the wheat grower of Oklahoma and not relieve the wheat grower of Ohio.

I see no reason to conclude that the President would veto the bill if the amendment were adopted. The reason the President vetoed the last bill, as Senators will remember, was because of provisions which prohibited the sale during the war of any wheat stocks or any cotton stocks the Government or the Commodity Credit Corporation may have. This very amendment was once adopted by the Senate and also by the House, and there is no reason I know of to conclude that the President will veto the bill if the amendment is added.

It is a small matter. I have hardly time to tell the complete story, but briefly let me say that we changed the law in March, when this year's wheat crop had practically been planted. The crop was planted at a time when every farmer knew he had a right to plant an excess of his acreage quota, but he also knew if he did that he would have to pay 15 cents penalty. At that time it was 15 cents, but subsequently the penalty was raised by an ex post facto law to 49 cents. We changed the law so that the farmer could not use the wheat to feed his own stock, which previously he could have done. I think it is only fair that, as to this crop, we afford relief against the retroactive application of the law of May 26 of this year. I believe the penalty should go back to 15 cents, but I find that every farmer who protests is satisfied if he can feed the wheat to his own stock on his own farm; and as the Government is asking for more stock, more dairy products, and more eggs, it seems to me wholly unreasonable to make the farmer lock up the excess wheat on his own farm while we are importing, and paying a tariff of 4 cents thereon, about 600,000 or 700,000 bushels of wheat from Canada which our farmers have to buy to feed their own stock.

Mr. McKELLAR. Mr. President, may I ask the Senator from Oklahoma a question?

Mr. THOMAS of Oklahoma. Certainly.

Mr. McKELLAR. If this relief should be afforded wheat farmers why should not the same provision be made for cotton farmers?

Mr. THOMAS of Oklahoma. I hardly think the question should come in that form. It is a question of doing this today for the wheat farmer. It is my conviction, as I said a moment ago, that if this little bill were amended today by the Senate it could not get by either the House or the Chief Executive. Personally, I would favor the amendment submitted by the Senator from Ohio; personally, I would favor the freezing of both wheat stocks and cotton stocks; personally, I would favor the amendment in the mind of the Senator from Tennessee granting the cotton farmer the same relief we are trying to grant the wheat farmers of the country, but it is not a question of what I should like to do.

Mr. McKELLAR. I have no objection at all to the relief proposed to be granted the wheat farmers, but I think that the cotton farmers ought to be put in exactly the same category, because all farmers heretofore have been treated alike and they ought to be treated alike in this instance. Therefore, I want to offer an amendment, if it will take care of what I desire, namely, after the word "wheat" in line 7, to insert the words "and cotton."

Mr. GILLETTE. Mr. President, I have no objection to offering amendments, but the amendments would entirely change the basic purpose of the bill, and I object to its present consideration.

The PRESIDING OFFICER. Objection is heard, and the bill will go over. The clerk will state the next bill on the calendar.

OFFICE OF DISTRICT JUDGE, MASSACHUSETTS

The bill (H. R. 2596) to repeal the prohibition against the filling of a vacancy in the office of district judge for the district of Massachusetts, was considered ordered to a third reading, read the third time, and passed.

LAND IN COCONINO COUNTY, ARIZ.

The Senate proceeded to consider the bill (S. 1762) to authorize the Secretary of Agriculture to release the claim of the United States to certain land within Coconino County, Ariz., which had been reported from the Committee on Agriculture and Forestry with an amendment, on page 1, line 9, before the word "acre" to insert "(0.387)", so as to make the bill read:

Be it enacted, etc., That the Secretary of Agriculture be, and he is hereby, authorized and directed to execute on behalf of the United States a quitclaim deed to Lewis E. Hart and Delia E. Hart, husband and wife, releasing to them all right, title, and interest of the United States in a certain tract of land consisting of approximately three hundred and eighty-seven one-thousandths (0.387) acre in Coconino County, Ariz., which on January 24, 1931, was without consideration and as a gift deeded to the United States by said Lewis E. Hart and Delia E. Hart for the use of the Forest Service and which tract is not now needed for any Government purpose, said deed having been recorded in Book 60 of Deeds, pages 63-64, records of Coconino County, Ariz.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

TOWNE SCHOOL DISTRICT, MICHIGAN

The bill (H. R. 3872) for the relief of the Towne School District No. 6, Fractional Monroe Township, Newaygo County, Mich., was considered, ordered to a third reading, read the third time, and passed.

W. L. B. VAN DYKE

The bill (H. R. 4117) for the relief of W. L. B. Van Dyke was considered, ordered to a third reading, read the third time, and passed.

CATHARINE SCHULTZE

The Senate proceeded to consider the bill (H. R. 4622) for the relief of Catharine Schultze, which had been reported

from the Committee on Claims with an amendment at the end of line 5, to strike out "\$3,500" and insert "\$2,000", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$2,000 to Catharine Schultze, of Peoria, Ill., in full settlement of all claims against the United States for expenses incurred and personal injuries sustained on August 11, 1940, in El Paso, Ill., as the result of a collision of the automobile in which she was riding, with a United States Army scout car operated by a War Department employee: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendment was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

ALBERT M. HOWARD

The bill (S. 1563) conferring jurisdiction upon the Court of Claims of the United States to hear, determine, and render judgment upon the claim of Albert M. Howard was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That jurisdiction is hereby conferred upon the Court of Claims of the United States to hear, determine, and render judgment, as if the United States were suable in tort, upon the claim of Albert M. Howard, of Wheaton, Ill., for personal injuries and property damage sustained by the said Albert M. Howard when a mail truck or vehicle operated by the Post Office Department through its agents, servants, and employees collided with an automobile in which he was riding on February 25, 1939, near the junction of United States Highway No. 330 (commonly known at the point of collision as Roosevelt Road) and Fifth Avenue, Maywood, Ill.

AUGUSTA BRASSIL

The bill (H. R. 3194) for the relief of Augusta Brassil was considered, ordered to a third reading, read the third time, and passed.

ARMA LEE HOGAN

The bill (H. R. 413) for the relief of Arma Lee Hogan was considered, ordered to a third reading, read the third time, and passed.

RYOICHI SUMIDA

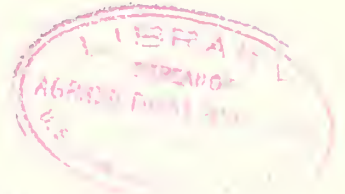
The bill (H. R. 733) for the relief of Ryoichi Sumida was considered, ordered to a third reading, read the third time, and passed.

ARTHUR G. MOYER

The bill (H. R. 2378) for the relief of Arthur G. Moyer was considered, ordered

77TH CONGRESS
1ST SESSION

H. R. 5726



IN THE SENATE OF THE UNITED STATES

NOVEMBER 10, 1941

Ordered to lie on the table and to be printed

AMENDMENT

Intended to be proposed by Mr. TAFT to the bill (H. R. 5726) to amend Public Law Numbered 74 of the Seventy-seventh Congress, relating to wheat-marketing quotas under the Agricultural Adjustment Act of 1938, as amended, viz: On page 2, after line 8, insert the following new paragraph:

1 “13. Notwithstanding any of the foregoing provisions, the
2 penalty upon wheat shall not apply to that portion of the
3 farm-marketing excess of the 1941 crop for any farm, which
4 was or will be used on the farm where grown as feed for
5 livestock or poultry or as seed. The amount of any penalty
6 paid on that portion of the farm-marketing excess of wheat
7 which was or will be used on the farm where grown as feed
8 for livestock or poultry or as seed, shall be returned or
9 allowed the producer.”

AMENDMENT

Intended to be proposed by Mr. Tarr to the bill (H. R. 5726) to amend Public Law Numbered 74 of the Seventy-seventh Congress, relating to wheat-marketing quotas under the Agricultural Adjustment Act of 1938, as amended.

NOVEMBER 10, 1941

Ordered to lie on the table and to be printed

his base pay as fixed by law increased by \$60 per annum; and, upon his completion of an additional 5-year period of continuous service thereafter, shall have his base pay as fixed by law increased by an additional \$60 per annum. No increase in base pay in excess of \$120 shall be given under this act. In computing an employee's length of service for the purposes of this act, credit shall be given for substitute service."

Mr. MEAD. Mr. President, I offer two amendments to this committee amendment. I send them to the desk and ask to have them stated.

The PRESIDENT pro tempore. The amendments offered by the Senator from New York to the amendment reported by the committee will be stated.

The CHIEF CLERK. On page 2, line 24, after the period, it is proposed to insert the following:

Any postmaster of the third or fourth class who, on January 1, 1942, shall have rendered 10 years or more of continuous service shall be paid each year, in addition to his basic compensation for such year, an amount equal to 5 percent of such basic compensation in the case of postmasters of the third class, and equal to 10 percent of such basic compensation in the case of postmasters of the fourth class; and, upon the completion of an additional 5-year period of continuous service after January 1, 1942, shall be paid each year, in addition to his basic compensation for such year, an additional amount equal to 5 percent of such basic compensation in the case of postmasters of the third class, and equal to 10 percent of such basic compensation in the case of postmasters of the fourth class. Any postmaster of the third or fourth class who, on January 1, 1942, shall have rendered less than 10 years' continuous service shall, upon his completion of 10 years' continuous service, be paid each year, in addition to his basic compensation for such year, an amount equal to 5 percent of such basic compensation in the case of postmasters of the third class, and equal to 10 percent of such basic compensation in the case of postmasters of the fourth class; and, upon his completion of an additional 5-year period of continuous service thereafter, shall be paid each year, in addition to his basic compensation for such year, an additional amount equal to 5 percent of such basic compensation in the case of postmasters of the third class, and equal to 10 percent of such basic compensation in the case of postmasters of the fourth class.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from New York to the amendment reported by the committee.

The amendment to the amendment was agreed to.

The CHIEF CLERK. On page 2, lines 24 and 25, it is proposed to strike out:

No increase in base pay in excess of \$120 shall be given under this act.

And in lieu thereof to insert:

The amounts paid under this act in addition to base pay of basic compensation shall not exceed \$120 per annum in any case.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from New York to the amendment reported by the committee.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The CHIEF CLERK. On page 3, line 3, after the word "effect", it is proposed to strike out "July" and insert "January."

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MEAD. Mr. President, I ask unanimous consent that a copy of the bill, as amended and passed, be inserted in the RECORD at this point.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The bill (H. R. 1057) to establish a system of longevity pay for postal employees, as amended and passed by the Senate, is as follows:

Be it enacted, etc., That assistant postmasters, supervisory employees, special clerks, clerks, watchmen, messengers, laborers in first- and second-class post offices, employees in the custodial service of the Post Office Department rendering not less than 5 hours' service per day, employees of the Motor Vehicle Service, letter carriers in the City Delivery Service and Village Delivery Service, rural letter carriers, employees of the Railway Mail Service, employees of the Sea Post Service, clerks at division headquarters of post-office inspectors, and postal employees at the United States Stamped Envelope Agency, who, on January 1, 1942, shall have rendered 10 years or more of continuous service, shall have their base pay as fixed by law increased by \$60 per annum; and upon the completion of an additional 5-year period of continuous service after January 1, 1942, shall have their base pay as fixed by law increased by an additional \$60 per annum. Any such Post Office employee who, on January 1, 1942, shall have rendered less than 10 years' continuous service shall, upon his completion of 10 years' continuous service, have his base pay as fixed by law increased by \$60 per annum; and, upon his completion of an additional 5-year period of continuous service thereafter, shall have his base pay as fixed by law increased by an additional \$60 per annum. Any postmaster of the third or fourth class who, on January 1, 1942, shall have rendered 10 years or more of continuous service shall be paid each year, in addition to his basic compensation for such year, an amount equal to 5 percent of such basic compensation in the case of postmasters of the third class, and equal to 10 percent of such basic compensation in the case of postmasters of the fourth class; and, upon the completion of an additional 5-year period of continuous service after January 1, 1942, shall be paid each year, in addition to his basic compensation for such year, an additional amount equal to 5 percent of such basic compensation in the case of postmasters of the third class, and equal to 10 percent of such basic compensation in the case of postmasters of the fourth class. Any postmaster of the third or fourth class who, on January 1, 1942, shall have rendered less than 10 years' continuous service shall, upon his completion of 10 years' continuous service, be paid each year, in addition to his basic compensation for such year, an amount equal to 5 percent of such basic compensation in the case of postmasters of the third class, and equal to 10 percent of such basic compensation in the case of postmasters of the fourth class; and, upon his completion of an additional 5-year period of continuous service thereafter, shall be paid each year, in addition to his basic compensation for such year, an additional amount equal to 5 percent of such basic compensation in the case of postmasters of the third class, and equal to 10 percent of such basic compensation in the case of postmasters of the fourth class. The amounts paid under this act in addition to base pay or

basic compensation shall not exceed \$120 per annum in any case. In computing an employee's length of service for the purposes of this act, credit shall be given for substitute service.

SEC. 2. This act shall take effect January 1, 1942.

PREVENTION OF PHOTOGRAPHING AND SKETCHING OF MILITARY RESERVATIONS, ETC

Mr. HILL. Mr. President, a moment ago Senate bill 1707, Calendar No. 629, was passed over. I understand there is now no objection to the bill, and I ask for its present consideration.

Mr. McNARY. Mr. President, when the bill was reached on the call of the calendar, I objected to its consideration because I remembered that on a former occasion some Senator who was absent at the time the bill was reached today objected to it. That Senator was the able Senator from Massachusetts [Mr. WALSH]. He is here now. I, myself, have no objection.

Mr. WALSH. Mr. President, this bill has been passed over on several calls of the calendar because a similar bill forbidding the photographing of naval establishments has been passed by the Senate and has been sent over to the House. It is made a crime to take photographs under certain conditions and with certain intents and purposes.

The language of this bill is different from the language of the naval bill that forbids the taking of photographs of naval establishments and naval vessels. There is a difference in the definition of the crime. I have been hopeful that the naval bill would be amended in the House so as to insert the word "Army," and have the same general principle of law apply to both services. I have not been able to secure such action. I do not think we ought to delay this matter any longer. Therefore I am content to have the Senate pass this bill and let the House straighten out the matter, and try to have a uniform bill that will cover both the Army and the Navy.

Mr. TAFT. Mr. President, I shall not object to the consideration of the bill; but it seems to me it will have an extraordinary effect, because apparently it provides for the imprisonment of any person who takes a photograph anywhere near any reservation, even, or in the waters adjacent thereto, apparently with no specific intent. I cannot find in the bill any intent clause. Apparently, any person who wanders out with a kodak and takes a picture somewhere near a defense establishment may be put in jail. I hope the bill will be modified in the House when it gets there, and perhaps made to accord with the bill to which the able Senator from Massachusetts referred.

I shall not object to the consideration of the bill because of the fact that I think what I have described may be done; but certainly in its present form the bill is extraordinarily all-inclusive.

Mr. WALSH. Mr. President, the Senator has stated the objection of the Naval Committee—that the bill goes too far, and is all-inclusive, and ought to be modified and a better definition inserted. However, I think we ought not longer to

delay legislation on the subject, and that we ought to put the responsibility on the House to cooperate with the Senate and pass a suitable bill.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill (S. 1707) to prevent the making of photographs and sketches of military or naval reservations, naval vessels, and other naval and military properties, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That whoever, except in performance of duty or employment in connection with the national defense, shall knowingly and willfully make any sketch, photograph, photographic negative, blueprint, plan, map, model, copy, or other representation of any navy yard, naval station, or of any military post, fort, camp, station, arsenal, airfield, or other military or naval reservation, or place used for national-defense purposes by the War or Navy Departments, or of any vessel, aircraft, installation, equipment, or other property whatsoever, located within any such post, fort, camp, arsenal, airfield, yard, station, reservation, or place, or in the waters adjacent thereto, or in any defensive sea area established in accordance with law; or whoever, except in performance of duty or employment in connection with the national defense, shall knowingly and willfully make any sketch, photograph, photographic negative, blueprint, plan, map, model, copy, or other representation of any vessel, aircraft, installation, equipment, or other property relating to the national defense being manufactured or under construction or repair for or awaiting delivery to the War or Navy Departments or the government of any country whose defense the President deems vital to the defense of the United States under any contract or agreement with the United States or such country or otherwise on behalf of the United States or such country, located at the factory, plant, yard, storehouse, or other place of business of any contractor, subcontractor, or other person, or in the waters adjacent to any such place, shall be punished as provided herein.

SEC. 2. Notwithstanding the provisions of section 1, the Secretary of War or the Secretary of the Navy is authorized, under such regulations as he may prescribe, to permit photographs, sketches, or other representations to be made when, in his opinion, the interests of national defense will not be adversely affected thereby.

SEC. 3. Any person found guilty of a violation of this act shall, upon conviction, be punished by a fine of not more than \$1,000 or by imprisonment for not more than 1 year, or by both such fine and imprisonment.

SEC. 4. The provisions of this act shall apply in the Philippine Islands as well as in all other places within the territory or jurisdiction of the United States.

JOINT RESOLUTION AND BILLS PASSED OVER

The joint resolution (S. J. Res. 35) proposing an amendment to the Constitution of the United States providing for national representation for the people of the District of Columbia was announced as next in order.

Mr. McNARY. Mr. President, at the request of the distinguished Senator from Kansas [Mr. CAPPER], I object to the consideration of the joint resolution.

The PRESIDENT pro tempore. The joint resolution will be passed over.

The bill (S. 1365) to amend the act entitled "An act to establish a Civilian Conservation Corps, and for other purposes,"

approved June 28, 1937, as amended, for the purpose of providing vocational training in Civilian Conservation Corps camps in the interest of national defense, was announced as next in order.

Mr. TAFT. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1831) to prohibit the purchase of foreign-grown cotton with public funds was announced as next in order.

Mr. BARKLEY. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

PENSIONS AND INCREASE OF PENSIONS

The bill (H. R. 1095) to amend the act of March 3, 1927, entitled "An act granting pensions to certain soldiers who served in the Indian Wars from 1817 to 1898 and for other purposes," was announced as next in order.

Mr. BYRD. Mr. President, this is the first of 16 pension bills which are on the calendar. I think this is no time to consider increase of pensions, and I shall have to object to all 16 bills.

The PRESIDENT pro tempore. The bills will be passed over.

Mr. McNARY. Mr. President, the 16 bills referred to by the able Senator from Virginia should be identified. Does he mean to include the private pension bills in his request?

Mr. BYRD. Yes; they are all in a row.

Mr. McNARY. Will not the Senator from Virginia read into the RECORD the numbers of the bills?

Mr. BYRD. I expected that the clerk would read the numbers.

Mr. BARKLEY. Mr. President, as I understand, the request applies to all the bills on the calendar from No. 707, House bill 1095, to No. 733, House bill 3312, inclusive.

The PRESIDENT pro tempore. The Chair understood that all of them were to be passed over. The clerk will state the next bill on the calendar following those passed over.

ACCEPTANCE OF MEDALS AND DECORATIONS BY NAVY PERSONNEL

The bill (S. 1850) to authorize officers and enlisted men of the United States Navy and the United States Marine Corps to accept such medals, orders, decorations, and presents as have been tendered them by governments of the Western Hemisphere, other than Canada, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That those officers and enlisted men of the United States Navy and United States Marine Corps who have on the date of the approval of this act been tendered medals, orders, decorations, and presents by governments of the Western Hemisphere, other than Canada, in appreciation of services rendered, are hereby authorized to accept them.

WHEAT MARKETING QUOTAS

The Senate proceeded to consider the bill (H. R. 5726) to amend Public Law No. 74 of the Seventy-seventh Congress, relating to wheat-marketing quotas under the Agricultural Act of 1938, as amended, which was read, as follows:

Be it enacted, etc., That, effective as of May 26, 1941, Public Law No. 74, Seventy-seventh Congress, is amended by adding at the end thereof the following new paragraph:

"(12) Notwithstanding any of the foregoing provisions, the farm marketing excess for any crop of wheat for any farm shall not be larger than the amount by which the actual production of such crop of wheat on the farm exceeds the normal production of the farm wheat-acreage allotment, if the producer establishes such actual production to the satisfaction of the Secretary. Where a downward adjustment in the amount of the farm marketing excess is made pursuant to the provisions of this paragraph, the difference between the amount of the penalty or storage as computed upon the farm marketing excess before such adjustment and as computed upon the adjusted farm marketing excess shall be returned to or allowed the producer."

Mr. TAFT. Mr. President, when this bill was called on November 10, I offered an amendment, and I desire to have it considered at this time.

The PRESIDENT pro tempore. The clerk will state the amendment.

The CHIEF CLERK. On page 2, after line 8, it is proposed to insert the following new paragraph:

"(13) Notwithstanding any of the foregoing provisions, the penalty upon wheat shall not apply to that portion of the farm-marketing excess of the 1941 crop for any farm, which was or will be used on the farm where grown as feed for livestock or poultry or as seed. The amount of any penalty paid on that portion of the farm-marketing excess of wheat which was or will be used on the farm where grown as feed for livestock or poultry or as seed shall be returned or allowed the producer."

The amendment was agreed to.

The PRESIDENT pro tempore. The amendment just agreed to makes necessary further amendment of the bill, and the clerk will state the two amendments which must be made.

The CHIEF CLERK. On page 1, line 5, after the word "new", strike out "paragraph" and insert "paragraphs", and on page 2, line 8, strike out the quotation marks at the end of the line.

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ACQUISITION OF LAND IN MICHIGAN FOR COAST GUARD PURPOSES

The joint resolution (H. J. Res. 221) to declare abandoned the title of the city of Marquette, Mich., to certain land in the county of Marquette, and to vest control of such land in the Secretary of the Treasury for Coast Guard purposes was considered, ordered to a third reading, read the third time, and passed.

ACCEPTANCE OF CRAFT FOR COAST GUARD USE

The bill (H. R. 5509) to authorize the Secretary of the Treasury to purchase or accept as gifts motorboats, yachts, and similar vessels for Coast Guard use was considered, ordered to a third reading, read the third time, and passed.

SEPULVEDA DAM AND HANSEN DAM

The bill (H. R. 547) authorizing the Secretary of War to execute an easement

where there are 100,000 unemployed, with no place to go. That is the reason I ask for the immediate consideration of this resolution.

Mr. RANKIN of Mississippi. Mr. Speaker, further reserving the right to object, the gentleman from Pennsylvania has about convinced me beyond all reasonable doubt that this resolution ought to go to a committee of the House. I object, for the present.

SYSTEM OF LONGEVITY PAY FOR POSTAL EMPLOYEES

Mr. BURCH. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill H. R. 1057, to establish a system of longevity pay for postal employees, with Senate amendments thereto, disagree to the Senate amendments and ask for a conference.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Virginia [Mr. Burch]?

There was no objection; and the Speaker appointed the following conferees on the part of the House: Messrs. ROMJUE, BURCH, FLANNERY, HARTLEY, and MASON.

RELATION OF NATIONAL-DEFENSE PROGRAM TO SMALL BUSINESS

The SPEAKER. Pursuant to the provisions of House Resolution 294, Seventy-seventh Congress, the Chair appoints as members of the Select Committee to Conduct a Study and Investigation of the National Defense Program in its Relation to Small Business in the United States the following Members of the House: Messrs. PATMAN, chairman; BULWINKLE; KELLY of Illinois; FITZGERALD; HALLECK; LEONARD W. HALL; and PLOESER.

WHEAT-MARKETING QUOTAS

Mr. FULMER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 5726) to amend Public Law No. 74 of the Seventy-seventh Congress, relating to wheat-marketing quotas under the Agricultural Adjustment Act of 1938, as amended, with Senate amendments thereto, disagree to the Senate amendments, and ask for a conference with the Senate.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina? (After a pause.) The Chair hears none, and appoints the following conferees: Messrs. FULMER, FLANNAGAN, and HOPE.

WAR RESOLUTION VOTE

Mr. MILLS of Louisiana. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. MILLS of Louisiana. Mr. Speaker, on Monday, December 8, 1941, when the House considered House Resolution 254, I was absent as a result of illness due to food poisoning.

USE OF W. P. A. FUNDS

Mr. BRADLEY of Michigan. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, and to

revise and extend my remarks and include therein an article from the Emmet County Graphic.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

[Mr. BRADLEY of Michigan addressed the House. His remarks appear in the Appendix of the Record.]

ST. LAWRENCE SEAWAY

Mr. PITTENGER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

[Mr. PITTENGER addressed the House. His remarks appear in the Appendix of the Record.]

EXTENSION OF REMARKS

Mr. EDWIN ARTHUR HALL. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Record and include therein a recent radio address.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

(Mr. GALE asked and was given permission to extend his own remarks in the Record.)

Mr. HEALEY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Record and include therein an editorial from the Boston Post.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. NELSON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Record and to include therein a resolution adopted by the American Legion Post of Moberly, Mo.; also, a statement pledging unqualified support signed by more than 200 members of the faculty of the University of Missouri.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

RADIO COMMUNICATIONS SERVICE

Mr. BLAND. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 5074) to provide additional safeguards to the radio communications service of ships of the United States in the interest of national defense, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert:

"That during the national emergency declared by the President on May 27, 1941, to exist, but not after July 1, 1943, or the date upon which the President proclaims the existing national-defense emergency terminated, whichever occurs first, for the purpose of strengthening the national defense by pro-

viding additional safeguards, it shall be unlawful to employ any person or to permit any person to serve as radio operator aboard any vessel (other than a vessel of foreign registry) if the Secretary of the Navy—

"(1) has disapproved such employment for any specified voyage, route, or area of operation, and

"(2) has notified the master of the vessel of such disapproval prior to the departure thereof.

"No such vessel shall be granted clearance, depart or attempt to depart from any port or place in the United States, its Territories or possessions, or the Canal Zone, while having on board a person serving as radio operator in violation of this act. For any violation of this act, the master and the owner shall be severally subject to a penalty of not more than \$1,000 for which penalties the vessel shall be liable. Such penalties on application may be mitigated or remitted by the Secretary of Commerce."

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

Mr. MARTIN of Massachusetts. Reserving the right to object, Mr. Speaker, will the gentleman from Virginia explain the bill?

Mr. BLAND. Mr. Speaker, the House passed several months ago a bill to provide additional safeguards to the radio communications service of ships of the United States in the interest of national defense, and for other purposes. The bill as it passed the House dealt with the general situation and provided for the elimination of certain radio operators found to be connected with certain organizations thought to be subversive. The bill provided the machinery whereby those removed from the ships might be heard on appeal.

The bill has been pending for a long time. There is a very great necessity for immediate legislation dealing with this situation. When it became manifest that the bill as it passed the House would not receive the favorable consideration of the Senate committee, or certainly not without a long delay, there was a conference on the part of the naval authorities, the Bureau of Marine Inspection and Navigation, the Maritime Commission, Federal Communications Commission, and other interests in an effort to formulate a substitute that would provide immediate relief. As a result of that conference this amendment was prepared. It places the elimination of operators entirely in the control of the Navy, so that the Navy can object to any particular operator.

The Navy, I may say, has a confidential report on a number of men who are believed to be proper subjects of consideration. The Navy, under the Senate amendment, can eliminate any man and say that he cannot be employed on a ship at any specified point or on specified routes or in certain areas of operation or zones. The bill imposes a penalty on any ship that violates the act, but the penalty is applicable only after notice that such person or persons shall not be placed on the ship.

I have consulted with the Navy about this amendment and I have consulted with all the agencies affected. They believe it is desirable to concur in this amendment immediately. I have consulted with all the members of my

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AMENDING PUBLIC LAW NO. 74, RELATING TO WHEAT-
MARKETING QUOTAS

DECEMBER 16, 1941.—Ordered to be printed

Mr. FULMER, from the committee of conference, submitted the
following

CONFERENCE REPORT

[To accompany H. R. 5726]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5726) to amend Public Law No. 74 of the Seventy-seventh Congress, relating to wheat-marketing quotas under the Agricultural Adjustment Act of 1938, as amended, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, and 3.

H. P. FULMER,
J. W. FLANNAGAN, Jr.,
CLIFFORD R. HOPE,

Managers on the part of the House.

J. H. BANKHEAD,
ELMER THOMAS,
E. D. SMITH,
GEORGE D. AIKEN,

Managers on the part of the Senate.

STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5726) to amend Public Law No. 74 of the Seventy-seventh Congress, relating to wheat-marketing quotas under the Agricultural Adjustment Act of 1938, as amended, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The bill (H. R. 5726) as passed the House changes the method of determining the farm-marketing quota for wheat for 1941 and subsequent crop years for any farm producing less than a normal crop. The House bill provides that, in case of any such farm, penalties will be applicable only to the amount of wheat produced on the farm in excess of the normal production of the farm-acreage allotment instead of upon the actual production of the acreage planted in excess of the farm-acreage allotment, as is provided in existing law. The burden of establishing the actual production of any such farm is placed upon the producer.

The Senate amendment provides that the penalty on wheat shall not be applicable to that portion of the farm-marketing excess of the 1941 crop for any farm which is used as feed for livestock or poultry, or as seed, on the farm where grown.

The conference agreement accepts the House provision and omits the Senate provision.

H. P. FULMER,
J. W. FLANNAGAN, Jr.,
CLIFFORD R. HOPE,

Managers on the part of the House.

Mr. CLARK of Missouri. Mr. President, I make the point of order that that motion is not in order.

The VICE PRESIDENT. The point of order is sustained. A second motion to reconsider is not in order.

CONTROL OF STRIKES IN DEFENSE INDUSTRIES

Mr. CONNALLY. Mr. President, it had been my purpose to move today to take up for consideration by the Senate my bill (S. 2054) relating to the use and operation by the United States of certain plants in the interests of the national defense. This bill would have been taken up by the Senate some days ago but for the untimely death of our late distinguished colleague, Senator Adams, of Colorado, and the attendance upon his funeral of many Senators.

Since that time the President has called a conference of industry and labor with a view to having these interests agree upon a national-defense program which shall prevent strikes and stoppages of production of national-defense articles in all industries during the pending war.

My reason for not moving today to proceed with the consideration of this bill is that the administration, the leadership in the Senate, and the entire membership of the Committee on Education and Labor, before which are pending all other bills relating to strikes and stoppages of work in industry, have desired that my bill not be now acted upon. They desire that the matter be held in abeyance until after the meeting of the national conference of representatives of industry and labor. In the face of the suggestions made by the Committee on Education and Labor, the leadership of the Senate, and the administration, it would be entirely futile for me to urge or move that the Senate proceed to the consideration of my bill at this particular moment.

However, I desire to make it clear that I am in no wise slackening my interest or my desire that Senate bill 2054 be enacted at the earliest possible moment.

I am unwilling that during the pending foreign wars we shall take any hazards or risks, through strikes or any other cause, of impairment of the continued production of national-defense articles.

My bill is a rational, simple, and effective measure to insure the continuous production of national-defense articles by the Government taking over any strike-bound plant and operating it. It provides for freezing labor relationships as they existed prior to the strike, and for the adjustment of wage scales by a Government board whose duty it will be, upon a petition of a majority of the employees within a plant, to investigate the fairness or justice of wages.

The bill is essentially a national-defense bill. It is not antiemployer. It is not antiemployee. It is for the United States of America, and its safety and protection.

The bill was referred to the Committee on the Judiciary, which held extensive hearings through a subcommittee. During these hearings the bill was approved by Judge Robert P. Patterson, Undersecretary of War, for the War Department. It was approved by Assistant Sec-

retary of the Navy Forrestal, for the Navy Department. It was approved by Admiral Emory S. Land, Chairman of the Maritime Commission, for that Commission. These are the three Government agencies primarily concerned with the production of war supplies. All three agencies approved the measure without amendment, and urged its passage. The subcommittee of the Judiciary Committee, consisting of two Republicans and three Democrats—Senators HATCH, DOXEY, AUSTIN, BURTON, and CONNALLY—unanimously approved the bill. The full Judiciary Committee reported it favorably to the Senate by a vote of 12 to 2.

The bill stands as the only measure with such backing and such support. It is a simple, liberal measure, looking primarily to the interests of the Government of the United States, and not those of any selfish or sordid group. It ought to pass. It ought to become the law. It will stop strikes. It will be fair to labor. It is fair to industry. Best of all, it is fair and just to the country we love.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 1047) to amend an act of Congress entitled "An act to regulate the employment of minors within the District of Columbia," approved May 29, 1928.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 5800) authorizing advancements from the Federal Works Administrator for the provision of certain defense public works and equipment in the District of Columbia, and for other purposes.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3019) to amend the act entitled "An act to prohibit the manufacture, distribution, storage, use, and possession in time of war of explosives, providing regulations for the safe manufacture, distribution, storage, use, and possession of the same, and for other purposes," approved October 6, 1917 (40 Stat. 385).

The message also announced that the House had passed a bill (H. R. 6223) to establish the composition of the United States Navy, to authorize the construction of certain naval vessels, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILL PLACED ON CALENDAR

The bill (H. R. 6223) to establish the composition of the United States Navy, to authorize the construction of certain naval vessels, and for other purposes, was read twice by its title and ordered to be placed on the calendar.

REENACTMENT OF OVERMAN AND TRADING WITH THE ENEMY ACTS

Mr. BARKLEY. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 248, Senate bill 2129, to expedite the prosecution of the war effort. This is a bill from the Committee on the Judiciary which in

substance provides a reenactment of certain provisions of the so-called Overman Act of 1917, and the Trading With the Enemy Act of 1917. I shall not make a statement about it at this time.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Kentucky.

The motion was agreed to; and the Senate proceeded to consider the bill (S. 2129) to expedite the prosecution of the war effort.

Mr. VANDENBERG. I suggest the absence of a quorum.

The VICE PRESIDENT. The Clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

| | | |
|--------------|-----------------|---------------|
| Aiken | Gillette | O'Daniel |
| Austin | Glass | Overton |
| Bailey | Green | Pepper |
| Ball | Gurney | Radcliffe |
| Bankhead | Hatch | Reed |
| Barkley | Hayden | Reynolds |
| Bilbo | Herring | Rosier |
| Brewster | Hill | Russell |
| Bridges | Holman | Schwartz |
| Brooks | Hughes | Shipstead |
| Brown | Johnson, Calif. | Smathers |
| Bulow | Johnson, Colo. | Smith |
| Bunker | Kilgore | Spencer |
| Burton | La Follette | Stewart |
| Butler | Langer | Taft |
| Byrd | Lee | Thomas, Idaho |
| Capper | Lodge | Thomas, Okla. |
| Caraway | Lucas | Thomas, Utah |
| Chandler | McCarran | Tobey |
| Chavez | McFarland | Truman |
| Clark, Idaho | McKellar | Tunnell |
| Clark, Mo. | McNary | Tydings |
| Connally | Maloney | Vandenberg |
| Danaher | Maybank | Van Nuys |
| Davis | Mead | Wallgren |
| Downey | Murdoch | Walsh |
| Doxey | Murray | Wheeler |
| Ellender | Norris | White |
| George | Nye | Wiley |
| Gerry | | Willis |

The PRESIDING OFFICER (Mr. ELLENDER in the chair). Ninety Senators having answered to their names, a quorum is present.

AMENDMENT OF LAW RELATING TO WHEAT-MARKETING QUOTAS—CONFERENCE REPORT

Mr. THOMAS of Oklahoma submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5726) to amend Public Law No. 74 of the Seventy-seventh Congress, relating to wheat-marketing quotas under the Agricultural Adjustment Act of 1938, as amended, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, and 3.

J. H. BANKHEAD,
ELMER THOMAS,
E. D. SMITH,
GEORGE D. AIKEN,

Managers on the part of the Senate.

H. P. FULLMER,
JOHN W. FLANNAGAN, Jr.,
CLIFFORD R. HOPE,

Managers on the part of the House.

The report was agreed to.

REENACTMENT OF OVERMAN AND TRADING WITH THE ENEMY ACTS

The Senate resumed consideration of the bill (S. 2129) to expedite the prosecution of the war effort.

Mr. VANDENBERG. Mr. President, I am unwilling to have the Senate proceed to the consideration of a measure of this

this country should have a much larger navy. The action of our Navy at that time demonstrated the value of such as a military necessity.

Andrew Jackson, afterward President Jackson, said after the battle of New Orleans he was convinced of the absolute necessity for a military system of transportation in the United States running from the Great Lakes to the Gulf of Mexico.

About 1832 he attempted to execute his ideas and appointed Army engineers to make surveys looking toward the construction of a railroad or a military highway running from the Great Lakes to the Gulf of Mexico, or the southeastern seaboard. These engineers made surveys. Plans were worked out for the construction of such a system. The thought was that the road should run from the northwestern part of our country through the central Midwest to the Gulf of Mexico or some other southern point, preferably to a port on the South Atlantic seaboard. The idea was that the Midwest would furnish the food necessary for an army and would also furnish the equipment necessary for waging a war.

The prediction of these military experts of that time have practically come true a century afterward. A very large percentage of our defense industries today are located in that section of the country where President Jackson and others over 100 years ago said was destined to be the part of the country to manufacture and equip this Nation in case of war.

One of the greatest liabilities, as I see it, if this country should be further involved in the present war by having to repulse actual invasion of our continental territory would be the deplorable lack of this great military necessity, a great, you might say super, highway running from the Great Lakes to the southeastern seaboard and through Mexico. I just wanted to make this observation in connection with this bill, because if I am able to interpret and see aright, or catch the spirit of Andrew Jackson and others, the next step to be taken by this country in preparation for war, in preparation for national defense, will be the construction of military highways to meet any emergency that might arise.

[Here the gavel fell.]

(By unanimous consent, the pro forma amendment was withdrawn.)

The Clerk read as follows:

SEC. 2. The survey and construction work authorized by this act shall be under the administration of the Public Roads Administration, Federal Works Agency, which shall consult with the appropriate officials of the Department of State with respect to matters involving the foreign relations of this Government, and such negotiations with the governments of the American republics named in section 1 as may be required to carry out the purposes of this act shall be conducted through, or as authorized by, the Department of State.

SEC. 3. The provisions of this act shall not create or authorize the creation of any obligations on the part of the Government of the United States with respect to any expenditures for highway construction or survey heretofore or hereafter undertaken in any of the countries enumerated in section 1,

other than the expenditures authorized by the provisions of this act.

The CHAIRMAN. Under the rule the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. SANDERS, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (S. 1544) to provide for cooperation with Central American republics in the construction of the Inter-American Highway, pursuant to House Resolution 262, reported the same back to the House with the recommendation that the bill do pass.

The SPEAKER. Under the rule the previous question is ordered.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WHEAT-MARKETING QUOTAS

Mr. WICKERSHAM, from the Committee on Agriculture, submitted the following conference report and statement on the bill (H. R. 5726) to amend Public Law No. 74 of the Seventy-seventh Congress, relating to wheat-marketing quotas under the Agricultural Adjustment Act of 1938, as amended, for printing under the rule:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5726) to amend Public Law No. 74 of the Seventy-seventh Congress, relating to wheat-marketing quotas under the Agricultural Adjustment Act of 1938, as amended, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, and 3.

H. P. FULMER,
JOHN W. FLANNAGAN, Jr.,
CLIFFORD R. HOPE,

Managers on the part of the House.

J. H. BANKHEAD,
ELMER THOMAS,
E. D. SMITH,
GEORGE D. AIKEN,

Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5726) to amend Public Law No. 74 of the Seventy-seventh Congress, relating to wheat-marketing quotas under the Agricultural Adjustment Act of 1938, as amended, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The bill (H. R. 5726) as passed the House changes the method of determining the farm-marketing quota for wheat for 1941 and subsequent crop years for any farm producing less than a normal crop. The House bill provides that, in case of any such farm, penalties will be applicable only to the amount of wheat produced on the farm in excess of the normal production of the farm-acreage allotment instead of upon the actual production of the acreage planted in excess of the farm-acreage allotment, as is provided in existing law. The burden of establishing the actual production of any such farm is placed upon the producer.

The Senate amendment provides that the penalty on wheat shall not be applicable to that portion of the farm-marketing excess of the 1941 crop for any farm which is used as feed for livestock or poultry, or as seed on the farm where grown.

The conference agreement accepts the House provision and omits the Senate provision.

H. P. FULMER,
JOHN W. FLANNAGAN, Jr.,
CLIFFORD R. HOPE,

Managers on the part of the House.

ELMER THOMAS,
E. D. SMITH,
J. H. BANKHEAD,
GEORGE D. AIKEN,

Managers on the part of the Senate.

Mr. WICKERSHAM. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the bill (H. R. 5726) "to amend Public Law No. 74 of the Seventy-seventh Congress, relating to wheat-marketing quotas under the Agricultural Adjustment Act of 1938, as amended."

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman explain what the conference report does?

Mr. WICKERSHAM. I can best explain the conference report by asking that the Clerk read the statement of the managers on the part of the House.

The SPEAKER. If there is no objection the statement of the managers on the part of the House may be read and the reservation of objection by the gentleman from Massachusetts to the consideration of the conference report will stand.

Is there objection to the reading of the statement of the managers on the part of the House?

There was no objection.

The Clerk read the statement of the managers on the part of the House.

Mr. MARTIN of Massachusetts. Mr. Speaker, as I understand it this applies only to the feeding proposal?

Mr. WICKERSHAM. This eliminates the Senate amendment and restores the bill to the condition in which it was when it left the House.

Mr. MARTIN of Massachusetts. The bill now is the same as it passed the House in the first instance?

Mr. WICKERSHAM. That is right.

The SPEAKER. Is there objection to the present consideration of the conference report?

There was no objection.

The conference report was agreed to, and a motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. MAHON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD and to include therein a brief letter addressed to me.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. STEARNS of New Hampshire. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include a radio address by Hon. Maurice H. Thatcher, a former Member of the House.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. SCOTT. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the Record and include therein a program of celebration in commemoration of the one hundred and fiftieth anniversary of the adoption of the Bill of Rights and addresses by Hon. Paul D. McNutt and Mr. Henry Monsky.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

SPECIAL ORDER

The SPEAKER. Under a previous order of the House, the gentleman from Georgia [Mr. PACE] is recognized for 20 minutes.

Mr. PACE. Mr. Speaker, I thought it might be helpful at this time to place in the Record and bring to the attention of the Members the farm supply situation over the Nation. I find that there is apprehension in some sections as to whether or not there is an adequacy of food and fiber to supply the population, the land and naval forces, and our Allies under war conditions. I find that in some quarters there is a tendency toward hoarding, and it is mainly to show the utter uselessness of attempting to hoard that I am taking this time.

It has also been suggested by a few that all restrictions and limitations on production should be lifted and the farmers be permitted and directed to go to producing without limit. Such action would not only wreck the A. A. A. program, deplete our soil, undo everything the farmer has worked for during the last 8 years, cause the loss of all soil-conservation payments, and strike down the protection the farmers now have through commodity loans and associated programs, but is not necessary in view of the supplies on hand.

Supplies of food in the United States are the largest we have ever had. The wheat supply is this year larger than ever before. It is as much as we use in 2 years. The supply of corn, the most important of our feed grains, is nearly the largest on record. The total supply of all feed grains is the largest in 20 years. The supply of the high protein feeds, cake, and meal from cottonseed, peanuts, soybeans, and so forth, is at a record level—10 percent above a year ago. Hay supplies are 3 percent larger than last year, 21 percent larger than the 1929–32 average.

These generous supplies of livestock feeds have made possible a large increase in our production of meats, dairy products, and poultry products. We have not only met domestic demands for livestock products but also furnished large quantities to our allies. Currently, the production of livestock products is at a high level and stocks of these products are large.

As in the case of foods, the supplies of other farm products are very large. In the case of cotton, our supply this year is 23,000,000 bales. This is more than our mills can spin in 2 years. If we do not have enough cotton goods it will be be-

cause of inadequate mill capacity, not because of too little raw cotton. Tobacco supplies are also very large. Our supplies of the flue-cured types are larger than ever before.

This enviable agricultural situation is the result of a farm policy which provides for strong reserve supplies of the chief farm products, for the adjustment of current production to market requirements, and for the conservation of our agricultural resources. It is a policy of balanced abundance. This policy has protected both producers and consumers. More important, it has given us an agricultural industry fully prepared for this emergency, capable of directing farm production so as to make the maximum contribution to the winning of this war.

The directing of farm production to wartime requirements does not mean unrestrained increases in the production of all farm products. It means the careful adjustment of each commodity so that land, labor, and equipment will make the maximum possible contribution. The production of some commodities will need to be increased substantially. For others smaller increases will provide for all contingencies. For some commodities no significant change will be advisable while there are a few which require downward adjustment or definite restraint on production.

Such a program of farm production has already been formulated for 1942 under the legislation enacted by the Congress. Agricultural production goals for 1942 were announced last fall. These provide for material increases in the production of those commodities for which expanded wants are in prospect, but these goals do not provide for increasing the production of such crops as cotton, wheat, and tobacco. For these crops restraining allotments and marketing quotas are provided. These are needed to avoid burdening our markets and storehouses with unneeded supplies, to save waste in the use of our resources, and to direct production efforts to those commodities of which we need more.

Mr. Speaker, I shall incorporate in my remarks a summary prepared for me by the Department of Agriculture showing in detail the amount of the principal farm commodities now on hand, the production for this year and the probable or estimated consumption for this year and in some cases the estimated needs and consumption for 1942. Those commodities include cotton, wheat, corn, feed-grain supplies, including corn; burley tobacco, flue-cured tobacco, hogs slaughtered, cattle slaughtered, egg production, milk production, fats and oils, and the sugar situation.

With respect to sugar, I would like to point out particularly that that is one of the commodities where the threat of hoarding has arisen. There seems to be some people who think we will not have enough sugar. I am sure by reference to this table, which will be incorporated in my remarks, you will observe that we now have an ample supply of sugar on hand and in prospect to take care of all the needs of the United States, the United Kingdom, and other countries which may

find it necessary to call upon us for agricultural supplies.

Mr. Speaker, I wish it were possible for every Member of Congress to understand and appreciate the Agricultural Adjustment Act enacted by the Congress in 1938. It is one of the most comprehensive measures that I believe the Congress has ever passed. It shows how foresighted were those who prepared the law, and it was mostly prepared by the conferees after the House had passed a bill and the Senate had passed a bill. I want to read one section which will allay the fears of many who seem to think that some particular legislation might be needed at this time in order to permit an increase in the production of farm commodities. I read from subsection (b), section 371, of the Agricultural Adjustment Act:

If the Secretary has reason to believe that because of a national emergency any national marketing quota for corn, wheat, cotton, rice, or tobacco should be increased, he shall cause an immediate investigation to be made to determine whether the increase is necessary to meet such emergency. If on the basis of such investigation the Secretary finds that such increase is necessary, he shall immediately proclaim such finding and the amount of the increase found to be necessary and thereupon such quota shall be increased.

So you can see, Mr. Speaker, that it was with foresight that this section was put into the Agricultural Adjustment Act. It covers the five commodities which were the original five under marketing-quota regulations, since amended so as to include the commodity peanuts. The amendment to the act including peanuts also amends this section to include them under it. In the case of any of the six quota commodities, therefore, there is today ample legislative authority whenever the need arises, if it should arise, for the Secretary to make an immediate investigation and either entirely lift the quotas or increase the quotas by such amount as he may think is necessary.

Mr. MURRAY. Will the gentleman yield?

Mr. PACE. I yield to the gentleman from Wisconsin.

Mr. MURRAY. I am sure we have enjoyed our colleague's discussion of this matter. There is one very important problem in connection with this production matter. I think the gentleman will agree that this accumulation has taken place during the time the farmers were able to secure ample labor. I would like to have the gentleman incorporate in his speech his opinion as to what might happen in connection with our national production due to a possible labor shortage that can take place very easily on our farms during the next year or two.

Mr. PACE. I do not think there is any doubt but what in some sections there will be a shortage of labor in 1942. I think that probably it will be the most critical situation the farmer has ever had. Then there is also going to be a shortage of farm implements. As the gentleman knows, the O. P. M. finally, reluctantly, I am afraid, agreed to supply the manufacturers of farm implements with 80 percent of previous requirements for farm implements. So

[PUBLIC LAW 384—77TH CONGRESS]

[CHAPTER 636—1ST SESSION]

[H. R. 5726]

AN ACT

To amend Public Law Numbered 74 of the Seventy-seventh Congress, relating to wheat-marketing quotas under the Agricultural Adjustment Act of 1938, as amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, effective as of May 26, 1941, Public Law Numbered 74, Seventy-seventh Congress, is amended by adding at the end thereof the following new paragraph:

“(12) Notwithstanding any of the foregoing provisions, the farm marketing excess for any crop of wheat for any farm shall not be larger than the amount by which the actual production of such crop of wheat on the farm exceeds the normal production of the farm wheat-acreage allotment, if the producer establishes such actual production to the satisfaction of the Secretary. Where a downward adjustment in the amount of the farm marketing excess is made pursuant to the provisions of this paragraph, the difference between the amount of the penalty or storage as computed upon the farm marketing excess before such adjustment and as computed upon the adjusted farm marketing excess shall be returned to or allowed the producer.”

Approved, December 26, 1941.





